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Reader Aids
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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Federal Register
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Monday, July 31, 1989

Presidential Documents

Title 3—

The President

Presidential Determination No. 89–15 of June 19, 1989

Emergency Determination of Additional FY 1989 Refugee Admissions Numbers Pursuant to Section 207(b) of the Immigration and Nationality Act

Memorandum for the United States Coordinator for Refugee Affairs

In accordance with Section 207(b) of the Immigration and Nationality Act ("the Act"), 8 U.S.C. 1157(b), and after appropriate consultation with the Congress, I hereby determine that an unforeseen refugee emergency exists, and that an increase in the worldwide refugee admissions ceiling for Fiscal Year 1989 from 94,000, as authorized in Presidential Determination 89–2 of October 5, 1988, to 116,500 in order to accommodate the admission of additional refugees from Eastern Europe and the Soviet Union, is justified as required by Section 207(b) of the Act. Federal funding may be used for a total of up to 112,500 admissions in accordance with the following regional allocations:

Africa	2,000
East Asia, First Asylum	28,000
East Asia, Orderly Departure program	22,000
Eastern Europe/Soviet Union	50,000
Latin America/Caribbean	3,500
Near East/South Asia	7,000

The provisions of Presidential Determination No. 89–2 are retained, except to the extent superseded by this Determination.

You are hereby directed to report this Determination to the Congress immediately and to publish it in the **Federal Register.**

George Bush

THE WHITE HOUSE,
Washington, June 19, 1989.
cc: The Secretary of State
The Attorney General
The Secretary of Health and Human Services

[FR Doc. 89–17971
Filed 7–27–89; 4:35 pm]
Billing code 3195–01–M

Presidential Documents

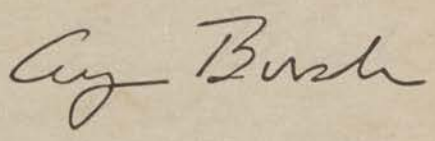
Presidential Determination No. 89–18 of July 20, 1989

Eligibility of Seychelles To Receive Defense Articles and Services Under the Foreign Assistance Act and the Arms Export Control Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me by Section 503 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2311, and Section 3(a)(1) of the Arms Export Control Act, 22 U.S.C. 2753(a)(1), I hereby find that the furnishing of defense articles and services to the Government of Seychelles will strengthen the security of the United States and promote world peace.

You are directed on my behalf to report this finding to the Congress and to publish it in the **Federal Register.**



THE WHITE HOUSE,
Washington, July 20, 1989.

[FR Doc. 89–17972
Filed 7–27–89; 4:36 pm]
Billing code 3195–01–M

Presidential Documents

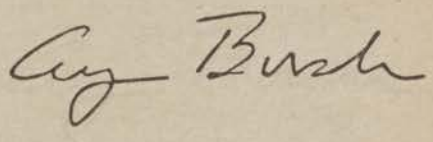
Presidential Determination No. 89–20 of July 20, 1989

Eligibility of Tanzania To Receive Defense Articles and Services Under the Foreign Assistance Act and the Arms Export Control Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me by Section 503 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2311, and Section 3(a)(1) of the Arms Export Control Act, 22 U.S.C. 2753(a)(1), I hereby find that the furnishing of defense articles and services to the Government of Tanzania will strengthen the security of the United States and promote world peace.

You are directed on my behalf to report this finding to the Congress and to publish it in the **Federal Register.**



THE WHITE HOUSE,
Washington, July 20, 1989.

[FR Doc. 89–17973
Filed 7–27–89; 4:37 pm]
Billing code 3195–01–M

Presidential Documents

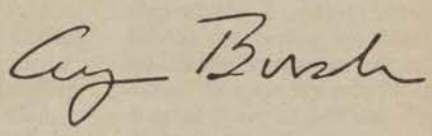
Presidential Determination No. 89–21 of July 20, 1989

Eligibility of Uganda To Receive Defense Articles and Services Under the Foreign Assistance Act and the Arms Export Control Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me by Section 503 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2311, and Section 3(a)(1) of the Arms Export Control Act, 22 U.S.C. 2753(a)(1), I hereby find that the furnishing of defense articles and services to the Government of Uganda will strengthen the security of the United States and promote world peace.

You are directed on my behalf to report this finding to the Congress and to publish it in the **Federal Register.**



THE WHITE HOUSE,
Washington, July 20, 1989.

[FR Doc. 89-17974
Filed 7-27-89; 4:38 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 54, No. 145
Monday, July 31, 1989

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[FV-89-055FR]

Handling of Almonds Grown in California; Proposed Extension of Date for Satisfying Inedible Disposition Obligation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule temporarily changes the date from July 31, 1989, to August 31, 1989, by which handlers of California almonds must satisfy 25 percent of their 1988–89 crop year inedible disposition obligations. Handlers must satisfy the remaining 75 percent of their inedible disposition obligations by the current July 31, 1989, date. This action is taken in conjunction with a final rule, published elsewhere in this issue of the **Federal Register**, which transfers a 25 percent reserve percentage in effect for the 1988–89 crop year to the salable category.

EFFECTIVE DATE: July 31, 1989.

FOR FURTHER INFORMATION CONTACT: Allen Belden, Marketing Specialist, Marketing Order Administration Branch, Room 2525, South Building, F&V, AMS, USDA, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5120.

SUPPLEMENTARY INFORMATION: This final rule is issued under marketing agreement and Order No. 981, both as amended (7 CFR Part 981), regulating the handling of almonds grown in California, hereinafter referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatability.

There are approximately 115 handlers of almonds subject to regulation under the marketing order and approximately 7,500 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having average gross annual revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of California almonds may be classified as small entities.

This action gives handlers of California almonds an additional month to satisfy 25 percent of their 1988–89 crop year inedible disposition obligation. Therefore, this action relaxes restrictions on almond handlers and will not impose any additional burden or costs on handlers.

Based on the above, the Administrator of the AMS has determined that the issuance of this final rule will not have a significant economic impact on a substantial number of small entities.

This final rule revises, for 1989 only, § 981.442 of "Subpart—Administrative Rules and Regulations." The action is based on the unanimous recommendation of the Almond Board of California (Board), the agency responsible for local administration of the order, and upon other available information.

Section 981.42 of the order provides that handlers are required to deliver a quantity of almond kernels equal to their inedible disposition obligation to the Board or Board-accepted crushers, feed manufacturers, or feeders. A handler's inedible disposition obligation is the percentage of inedible kernels in lots received by such handler during a crop year, as determined by the Federal-State Inspection Service, less any tolerance in effect for the crop year. Section 981.42 also provides that the Board may establish rules and regulations necessary to the administration of these provisions.

Paragraph 981.442(a)(5) of the rules and regulations provides that each handler's inedible disposition obligation is satisfied when the almond meat content of the material delivered to accepted users equals the inedible disposition obligation, but no later than July 31 succeeding the crop year in which the obligation was incurred. This action extends the July 31 date to August 31 for 25 percent of handlers' disposition obligations incurred during the 1988–89 crop year only. Thus, handlers have until August 31, 1989, to satisfy the final 25 percent of their 1988–89 crop year inedible disposition obligation. Handlers still must satisfy the other 75 percent of their inedible disposition obligation by July 31, 1989.

The 25 percent of handlers' inedible disposition obligation to which the extension applies corresponds to the 25 percent of the 1988–89 merchantable almond crop which handlers have held in reserve, and which the Board recommended for release to the salable category effective August 1, 1989. A final rule to release the 25 percent reserve to the salable category effective August 1, 1989, is published elsewhere in this issue of the **Federal Register.** While the reserve was in effect, handlers were required to withhold 25 percent of their marketable almond receipts from normal domestic and export markets. Consequently, many handlers took no action to process those almonds. Handlers customarily satisfy their inedible disposition obligations with inedible quality almonds removed during processing. Therefore, since the 25 percent reserve will not be released to the salable category until August 1, 1989, handlers may need additional time

to process those almonds to satisfy the 25 percent of their inedible disposition obligations which corresponds to the 25 percent reserve.

Notice of this action was published in the **Federal Register** on June 29, 1989 (54 FR 27386). That proposal provided a 10-day period for interested persons to submit their comments. No comments were received.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board and other available information, it is found that extending the date for satisfying the inedible disposition obligation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is also found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553). This action relaxes restrictions on handlers by extending a July 31, 1989, deadline concerning 25 percent of handlers' inedible disposition obligation. Therefore, this action should take effect on July 31, 1989, and should correspond to the release of the 25 percent reserve to the salable category that is made effective August 1, 1989, and published in this issue of the **Federal Register**.

List of Subjects in 7 CFR Part 981

Almonds, California, Marketing agreements and orders.

For the reasons set forth in the preamble, 7 CFR Part 981 is amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 981 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Subpart—Administrative Rules and Regulations

2. The last sentence in paragraph (a)(5) of § 981.442 is revised to read as follows:

Note: This revision will not appear in the annual Code of Federal Regulations.

§ 981.442 Quality control.

(a) * * *

(5) * * * Each handler's disposition obligation shall be satisfied when the almond meat content of the material delivered to accepted users equals the disposition obligation, but no later than July 31 succeeding the crop year in which the obligation was incurred: *Provided,* That for 1988–89 crop year almonds, handlers have until August 31, 1989, to satisfy the 25 percent of their disposition obligation which corresponds to the 25 percent reserve almonds released to salable almonds.

* * * * *

Dated: July 27, 1989.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89–17947 Filed 7–28–89; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 981

[FV–88–120FR–A]

Handling of Almonds Grown in California; Revision of Salable, Reserve, and Export Percentages for the 1988–89 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the salable and reserve percentages for marketable California almonds received by handlers during the 1988–89 crop year, which began on July 1, 1988. The salable percentage is increased from 75 to 100 percent, and the reserve percentage is correspondingly decreased from 25 percent to 0 percent. This action relieves restrictions on handlers and is necessary to provide a sufficient quantity of almonds to meet normal domestic and export market needs.

EFFECTIVE DATE: August 1, 1989.

FOR FURTHER INFORMATION CONTACT: Allen Belden, Marketing Specialist, Marketing Order Administration Branch, Room 2524–S, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5120.

SUPPLEMENTARY INFORMATION: This final rule is issued under marketing agreement and Order No. 981, both as amended (7 CFR Part 981), regulating the handling of almonds grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under critiera contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 115 handlers of almonds subject to regulation under the almond marketing order and approximately 7,500 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having gross annual revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of California almonds may be classified as small entities.

This action removes a requirement that all handlers of California almonds hold 25 percent of marketable almonds received during the 1988–89 crop year in reserve. Handlers may now ship 100 percent of their merchantable almonds received during the 1988–89 crop year to any market they desire. Therefore, this action relaxes restrictions on almond handlers and will not impose any additional burden or costs on handlers.

Based on the above, the Administrator of the AMS has determined that the issuance of this final rule will not have a significant economic impact on a substantial number of small entities.

On January 25, 1989, a final rule was published in the **Federal Register** (54 FR 3584) establishing salable, reserve, and export percentages of 75 percent, 25 percent, and 0 percent, respectively, for the 1988–89 crop year. That action was based on a recommendation of the Almond Board of California (Board), which works with the U.S. Department of Agriculture (Department) in administering the order, at its July 20, 1988, meeting. The recommendation was made pursuant to §§ 981.47 and 981.49 of the order, based on the then current estimates of marketable supply and combined domestic and export trade demand for the 1988–89 crop year.

On May 12, 1989, the Board met to review the salable and reserve percentages that had been established for the 1988–89 crop year and the supply and demand estimates from which those percentages were derived. At that meeting, pursuant to § 981.48 of the order, the Board recommended an increase in the salable percentage from 75 percent to 100 percent of the 1988–89

marketable production, and a corresponding decrease in the reserve percentage from 25 percent to 0 percent. The Board recommended that this revision take place effective August 1, 1989.

The estimates used by the Board on May 12, 1989, in reviewing the salable and reserve percentages are shown below. The Board's July 20, 1988, estimates are shown as a basis for comparison.

MARKETING POLICY ESTIMATES—1989 CROP

[Kernelweight basis in millions of pounds]

	Initial estimates	Revised estimates
Estimated production:		
1. 1988 Production	580.0	585.5
2. Loss and exempt—(4 percent)	23.2	23.4
3. Marketable production	556.8	562.1
Estimated trade demand:		
4. Domestic	160.0	159.0
5. Export	370.0	383.1
6. Total	530.0	542.1
Inventory adjustment:		
7. Carryin 7/1/88	112.8	117.5
8. Additional carryin 8/1/88	112.8	112.8
9. Desirable carryover 6/30/89	113.2	113.2
10. Desirable additional carryover 8/1/89	0	137.1
11. Adjustment (Item 9 plus item 10 minus item 7 minus item 8)	−112.4	20.0
Salable and reserve percentages:		
12. Adjusted trade demand (Item 6 plus item 11)	417.6	562.1
13. Reserve (Item 3 minus item 12)	139.2	0
14. Salable percent (Item 12 ÷ item 3 × 100)	75	100
15. Reserve percent (100% minus item 14)	25	0

Estimated 1988 crop production has increased from 580.0 million kernelweight pounds to 585.5 million kernelweight pounds. Estimated weight loss resulting from the removal of inedible kernels by handlers and losses during manufacturing has increased from 23.2 million kernelweight pounds to 23.4 million kernelweight pounds. Therefore, marketable production is increased from 556.8 million kernelweight pounds to 562.1 million kernelweight pounds.

Estimated 1988–89 domestic trade demand has decreased from 160.0 to 159.0 million kernelweight pounds. Estimated 1988–89 export trade demand has increased from 370.0 to 338.1 million kernelweight pounds. Therefore, total estimated 1988–89 trade demand is increased from 530.0 to 542.1 million kernelweight pounds.

Carryin on July 1, 1988, has increased from 112.8 to 117.5 million kernelweight pounds. Additional carryin on August 1, 1988, remains at 112.8 million kernelweight pounds. Estimated salable carryover on June 30, 1989, based on the 75 percent salable percentage in effect at that time, is expected to remain at 113.2 million kernelweight pounds.

The revised estimates include an additional desirable carryover of salable almonds on August 1, 1989, of 137.1 million kernelweight pounds. At its May 12, 1989, meeting, the Board reported that as of April 30, 1989, 190.2 million kernelweight pounds of salable almonds remained unshipped to supply domestic and export trade demand. The Board indicated that this quantity was ample to supply market needs through July 31, 1989. The Board also reported that for the period August 1, 1988, through September 15, 1989, (at which time 1989 crop almonds are expected to be available) shipments are estimated to total 636.9 million pounds and that a comparable quantity of almonds would be needed to supply domestic and export trade demand for the period August 1, 1989, through September 15, 1990 (at which time 1990 crop almonds are expected to be available). However, the Board reported that the National Agricultural Statistical Service's preliminary estimate of 1989 crop production is only 450.0 million kernelweight pounds, and that the Board's preliminary estimate of 1989 marketable production is only 427.5 million kernelweight pounds. Therefore, it appears that the 1989 crop will not be sufficient to meet 1989–90 crop year trade demand needs and carryover requirements for use during the early months of the 1990–91 crop year until 1990 crop almonds are available for shipment. While the carryover of an estimated 113.2 million kernelweight pounds of salable almonds on June 30, 1989, will make up part of the deficiency, the release of the estimated 137.1 million kernelweight pound reserve will be necessary to ensure that sufficient quantities of almonds are available to meet 1989–90 trade demand needs. Therefore, an increase of the salable percentage from 75 percent to 100 percent as of August 1, 1989, is warranted.

A proposed rule based on the Board's May 12, 1989, recommendation was published in the **Federal Register** on June 29, 1989, (54 FR 27385). That proposal provided a 10-day period for interested persons to submit their comments. One comment was received from Brian C. Leighton, counsel to Cal-Almond, Inc. Mr. Leighton stated that his client supports releasing the 25 percent reserve to the salable category. However, Cal-Almond, Inc., believes that the reserve should be released immediately rather than effective August 1, 1989, for several reasons as discussed below.

Mr. Leighton stated that waiting until August 1, 1989, to release the 25 percent reserve to the salable category is unfair to handlers who had reached a sold-out position with respect to salable almonds prior to the Board's May 12, 1989, recommendation and who, therefore, would have no almonds to sell until the August 1, 1989, release date. Mr. Leighton believes that this gives handlers, who had salable almonds unsold as of May 12, a monopoly on the market from May 12 to August 1, 1989. Section 981.48 of the order authorizes actions to increase salable percentages in effect for California almonds taking into account such information as estimated marketable production, trade demand, carryin, and carryover for all handlers in the aggregate.

The Board had reported that the available supply of salable almonds that remained unshipped was ample to supply market needs only through July 31, 1989. It was concluded that the 1989 crop would not be sufficient to meet the 1989–90 crop year trade demand needs and carryover requirements for use during the early months of the 1990–91 crop year until 1990 crop almonds are available for shipment. Accordingly, the action contained in this rule was proposed. In addition, the order places no restrictions on when handlers may sell their salable almonds; therefore, all handlers are free to sell their salable almonds at any time during the season. Thus, individual marketing strategies employed by handlers to sell their salable almonds have no bearing on the Secretary's decision to release reserve almonds to the salable category.

In his comment, Mr. Leighton also stated that by not releasing the reserve until August 1, 1989, the Secretary would, in effect, be issuing flow-to-market restrictions from May 12, to August 1, 1989.

The action taken by this final rule is not a flow-to-market regulation nor would such a regulation be authorized under the order. Flow-to-market regulations are designed to avoid market gluts by stabilizing the volume of shipments moving to market on a week-by-week basis during the normal marketing season. This is done through handler allotments, which restrict the amount of a commodity which handlers may ship during a given period. These allotments are based on the amounts of a commodity currently available, on the amounts shipped in a previous period, or a combination of the two. The action taken by this final rule does not establish weekly volume regulations and does not establish handler allotments.

Mr. Leighton concluded his comment by stating that it makes no sense to limit the supply of almonds reaching the market from May 12 to August 1, 1989,

and then release the reserve (estimated at 139.2 million kernelweight pounds) one month before the 1989 crop (estimated at 450.0 million kernelweight pounds) is available to sell. Mr. Leighton indicated that the latter action is likely to depress prices. However, it is the Department's position that the 75 percent salable percentage provides an ample supply of almonds to supply market needs through July 31, 1989. As of April 30, 1989, 190.2 million kernelweight pounds of almonds remained unshipped to supply market needs for the period May 1 through July 31, 1989. During the corresponding May 1 through July 31 period for the years 1988, 1987, and 1986, actual shipments totalled only 98.0, 68.1, and 82.8 million kernelweight pounds, respectively.

On the other hand, as discussed above, it appears that the estimated 1989 crop of 450.0 million kernelweight pounds will be insufficient to meet 1989–90 crop year market needs and carryover requirements. Furthermore, Mr. Leighton is incorrect when he implies that the entire 1989 almond crop will be available for market on September 1, 1989. Almonds are customarily harvested from August through November, and additional time is required for processing. Therefore, it is the Department's position that releasing the reserve effective August 1, 1989, is unlikely to have a depressing effect on prices.

For the reasons stated above, Mr. Leighton's objections are denied.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board and other available information, it is found that the revision of the salable and reserve percentages, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is also found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553). This action will relax restrictions on handlers by allowing them to ship additional almonds to salable outlets and should be made effective August 1, 1989, to provide a sufficient quantity of almonds for normal domestic and export needs and to maintain the current momentum of sales.

List of Subjects in 7 CFR Part 981

Almonds, California, Marketing agreements and orders.

For the reasons set forth in the preamble, 7 CFR Part 981 is amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 981 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Subpart—Salable, Reserve, and Export Percentages

2. Section 981.236 is revised to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 981.236 Salable, reserve and export percentages for almonds during the crop year beginning July 1, 1988.

The salable reserve, and export percentages, during the crop year beginning July 1, 1988, shall be 100 percent, 0 percent, and 0 percent, respectively.

Dated: July 27, 1989.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89–17948 Filed 7–28–89; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 89–111]

Importation of Eggs Other Than Hatching Eggs

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are affirming, with one change, an interim rule that established restrictions on the importation of eggs (other than hatching eggs) from all countries where *Salmonella enteritidis*, phage-type 4, is considered to exist. These restrictions are necessary to prevent the importation of eggs (other than hatching eggs) that could introduce *Salmonella enteritidis*, phage-type 4, into the United States.

EFFECTIVE DATE: July 31, 1989.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Bowen, Senior Staff Veterinarian, Import-Export Products Staff, VS, APHIS, USDA, Room 757, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7834.

SUPPLEMENTARY INFORMATION: In an interim rule published in the **Federal Register** on April 13, 1989 (54 FR 14792–14796, Docket No. 89–013), we amended 9 CFR Part 94 by establishing restrictions on the importation of eggs (other than hatching eggs) from countries where *Salmonella enteritidis (S. enteritidis)*, phage-type 4, is considered to exist. The effective date of the interim rule was incorrectly stated as "April 12, 1989." A correction of the effective date was published in the **Federal Register** on June 23, 1989 (54 FR 26466) to read "April 13, 1989." These amendments were necessary to prevent the importation of eggs (other than hatching eggs) that could introduce *S. enteritidis*, phage-type 4, into the United States. Comments were required to be received on or before June 12, 1989.

We received one comment, which suggested revising the term *"Salmonella enteritidis"* to *"Salmonella enteritidis* serotype *enteritidis"* to ensure that everyone recognizes our rule refers to one serotype of the species *Salmonella enteritidis*, rather than to all serotypes in *Salmonella enteritidis*. We agree that these terms should be clarified and have revised the definitions of *"Salmonella enteritidis"* and *"Salmonella enteritidis*, phage-type 4," accordingly.

The facts presented in the interim rule still provide a basis for this rulemaking. Therefore, we are affirming the provisions of the interim rule with the change noted above.

Effective Date

All of the provisions of this final rule have been in effect since April 13, 1989. This document simply affirms them and clarifies the meaning of *Salmonella enteritidis*. We are making this final rule effective upon publication to allow immediate revision of the definitions for *"Salmonella enteritidis"* and *"Salmonella enteritidis*, phage-type 4." We believe this is necessary to prevent confusion in the enforcement of the regulations.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

Most eggs regulated under this rulemaking are table eggs, that is, eggs for human consumption. In the United States, very few table eggs are imported; annually, only about 156 million compared to 68 billion domestically produced.

Under the regulations affirmed by this final rule, imported table eggs must come from flocks that meet certain requirements in the country of origin or must be imported for breaking and pasteurization at an approved establishment. According to Agricultural Marketing Service records, all table eggs imported into the United States during FY 1987, FY 1988, and the first quarter of FY 1989 were imported for breaking and pasteurization. Moreover, because of the presence of VVND in the countries of origin, the eggs from all but two countries, Canada and Finland, were required to be processed at approved establishments. Importations of table eggs from Canada are not affected by this rulemaking.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR 3015, Subpart V.)

List of Subjects in 9 CFR Part 94

Animal diseases, Exotic Newcastle disease, Garbage, Imports, Livestock and livestock products, Meat and meat products, Milk, Poultry and poultry products, Salmonellosis.

Accordingly, we are adopting as a final rule, with one change, the interim rule that amended 9 CFR Part 94, and that was published at 54 FR 14792–14796 on April 13, 1989.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for Part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, and 134f; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 94.0, revise the definitions of *"Salmonella enteritidis"* and *"Salmonella enteritidis,* phage-type 4," to read as follows:

§ 94.0 Definitions.

* * * * *

Salmonella enteritidis. Salmonella enteritidis serotype *enteritidis,* an organism that causes salmonellosis.

Salmonella enteritidis, phage-type 4. A virulent type of *Salmonella enteritidis* serotype *enteritidis.*

* * * * *

Done in Washington, DC, this 25th day of July 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-17794 Filed 7-28-89; 8:45 am]

BILLING CODE 3410-34

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88-ASW-56; Amdt. 39-6279]

Airworthiness Directives; Sikorsky Aircraft Model S-61N and S-61NM Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an airworthiness directive (AD) which requires periodic inspections for cracks in the main landing gear (large sponson) truss assemblies; a one-time hardness test of the butt-welded lug of sponson truss components; and replacement of the components, as necessary, on Sikorsky Model S-61N and S-61NM series helicopters. This amendment is needed to add alternate configurations of truss tube assemblies which have welded lugs and to delete a reference to certain hazardous brand name paint removers.

DATES: Effective Date: August 25, 1989.

Compliance: As indicated in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Sikorsky Aircraft, 600 Main Street, Stratford, Connecticut 06601-1381, or may be examined in the Regional Rules Docket, Office of the Assistant Chief Counsel, FAA, 4400 Blue Mound Road, Building 3B, Room 158, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Richard B. Noll, Boston Aircraft Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Park, Burlington, Massachusetts 01803, telephone (617) 273-7111.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-6131 (54 FR 6512; February 13, 1989), AD 89-04-01, which currently requires periodic inspections for cracks in the main landing gear (large sponson) truss assemblies; a one-time hardness test of the butt-welded lug of sponson truss components to determine if the hardness is within an approved range; and replacement of the components, as necessary, on Sikorsky Model S-61N and S-61NM series helicopters. The one-time hardness test is applicable to truss tube assemblies which have a butt-welded end fitting with a lug welded to the end fitting. A Tungsten inert gas (TIG)-welded single piece end fitting which has the lug as an integral part of the fitting does not require the hardness test.

Since issuing the AD, the FAA has determined that an additional alternate configuration exists in which the TIG-welded end fitting also has a welded lug and should be tested for hardness. Therefore, the FAA is amending AD 89-04-01, Amendment 39-6131, by making the AD applicable to the alternate configurations on Sikorsky Model S-61N and S-61NM series helicopters.

In addition, the FAA has determined that certain types of paint removers referenced in the AD might be potentially hazardous to users. Therefore, the FAA is amending Amendment 39-6131 to delete the references to these paint removers by brand name and has added a reference to a military specification for suitable paint removers.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days from publication.

The regulations adopted herein will not have substantial direct effects on the

states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If it is determined that this emergency regulation would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by amending Amendment 39-6131 (54 FR 6512, February 13, 1989), AD 89-04-01, by revising paragraph (a) introductory text; by adding a NOTE following paragraph (a) introductory text; by revising paragraph (a)(1); by adding a **Note** following paragraph (a)(1); by revisiong Table 1; and by revising paragraph (b)(3) as follows:

Sikorsky Aircraft: Applies to Model S-61N and S-61NM series helicopters certificated in any category. (Docket No. 88-ASW-56)

* * * * *

(a) Within the next 50 hours' time in service after the effective date of this AD, conduct a hardness test of each welded lug of sponson truss tube assemblies, part numbers (P/N) S6125-51212-4 and S61250-51233-042, aft lower truss tube assembly—left side; S6125-51212-5 and S61250-51233-043, aft lower truss tube assembly—right side; S6125-51214-3 and S61250-51235-041, forward upper truss tube assembly—left and right side; and S6125-51214-4 and S61250-51235-042, aft upper truss tube assembly—left and right side, as follows:

Note: Tube assemblies with single piece end fittings do not require a hardness check of the lug.

(1) Remove paint from lugs using a clean cloth dampened with suitable paint remover.

Note: Paint remover in compliance with MIL-R-81294 is acceptable.

* * * * *

TABLE 1.—INSPECTION SCHEDULE AND AREAS: PARAGRAPH (B)

Inspection interval, number of landings	Sponson tube truss assembly P/N	Inspection locations
500	S6125-51212-1, 61250-51233-041.	Inboard & outboard tube-to-fitting welds and clevis.
		Two welded manufacturing holes.
	S6125-51212-4, -5, S6125-51214-3, -4, 61250-51233-042, -043, 61250-51235-041, -042.	Inboard & outboard tube-to-fitting welds.
		Two welded manufacturing holes.
	S6125-51213-1, -041.	Inboard tube-to-fitting weld.
		Weld. manufacturing hole.
	61250-51234-041....	Inboard tube-to-fitting weld.
		Weld. manufacturing hole.
2500	S6125-51212-4, -5, S6125-51214-3, -4.	Lug-to-fitting weld.
		Lug hole.
	61250-51233-042, -043, 61250-51235-041, -042.	Lug hole.
		Lug-to-fitting weld (if applicable).
	61250-51234-041....	Clevis and lug hole.

(b) * * *

(3) Remove paint from lugs, fittings, and welded manufacturing holes indicated in Table 1 using a clean cloth dampened with suitable paint remover (ref. paragraph (a)(1) Note). Rinse with fresh water and dry.

* * * * *

This amendment becomes effective August 25, 1989.

This amendment amends Amendment 39-6131 (54 FR 6512; February 13, 1989), AD 89-04-01.

Issued in Fort Worth, Texas, on July 19, 1989.

John J. Shapley,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 89-17769 Filed 7-28-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 88-ASW-55; Amdt. 39-6283]

Airworthiness Directives; Bell Helicopter Textron, Inc., Model 206A and 206B Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This amendment corrects an editorial error in an airworthiness directive (AD) which revised the FAA-approved Rotorcraft Flight Manual (RFM) and Rotorcraft Flight Manual Supplements (RFMS) to require that the particle separator engine air induction kit and snow deflectors be installed on Bell Model 206A and 206B helicopters when operating in falling and/or blowing snow. The correction now accurately reflects the revision level of one of the RFM Supplements.

EFFECTIVE DATE: July 31, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Tyrone D. Millard, FAA, Rotorcraft Certification Office, ASW-170, Fort Worth, Texas 76193-0170, telephone (817) 624-5177.

SUPPLEMENTARY INFORMATION: On April 27, 1989, the FAA issued AD 89-10-11, Amendment 39-6211 (54 FR 20117; May 10, 1989), applicable to Bell Model 206A and 206B helicopters, which requires that both the particle separator and snow deflectors be installed on Bell Model 206A and 206B helicopters when operating in falling and/or blowing snow.

Paragraph (b) of the AD specifies that adding certain RFM and RFMS revisions to the basic RFM, as applicable, is an approved alternate method of compliance with paragraph (a) of the AD. However, paragraph (b) incorrectly specified RFM No. BHT-206B3-FM-1, Rev. 19. The correct revision level is RFM No. BHT-206B3-FM-1, Rev. 18. Action is taken to correct the final rule accordingly.

Since this action only corrects an editorial error in a final rule, it has no adverse economic impact and imposes no additional economic burden on any person. Therefore, notice and public procedures hereon are unnecessary and

the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation Safety, Safety.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by correcting paragraph (b) of Amendment 39-6211 (54 FR 20117; May 10, 1989), AD 89-10-11, as follows:

* * * * *

(b) Adding the following RFM and RFMS revisions to the basic RFM manual, as applicable, is an approved alternate method of compliance with paragraph (a) of this AD:

BHT-206A-FM-1, Rev. D-39
BHT-206A-FMS-18, Rev. 6
BHT-206A-FMS-24, Rev. 3
BHT-206B-FM-1, Rev. B-39
BHT-206B-FMS-15, Rev. 4
BHT-206B-FMS-18, Rev. 3
BHT-206B3-FM-1, Rev. 18
BHT-206B3-FMS-12, Rev. 1
BHT-206B3-FMS-10, Rev. 1

This amendment becomes effective August 31, 1989.

Issued in Fort Worth, Texas, on July 20, 1989.

John J. Shapley,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 89-17770 Filed 7-28-89; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 88-NM-217-AD; Amdt. 39-6281]

Airworthiness Directives; Boeing Model 737 Series Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Model 737 series airplanes, which requires ultrasonic inspections of the bonded waffle doublers for delamination between body station (BS) 360 and BS 1016. This proposal is prompted by reports of delamination of the bonded waffle doublers on several airplanes. This condition, if not corrected, could lead to inability of the airplane to carry fail-safe loads, which may result in rapid decompression.

EFFECTIVE DATE: September 5, 1989.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara J. Mudrovich, Airframe Branch, ANM-120S; telephone (206) 431-1927. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to Boeing Model 737 airplanes, which requires ultrasonic inspections of the bonded waffle doublers for delamination between body station (BS) 360 and BS 1016, was published in the **Federal Register** on February 24, 1989 (54 FR 7951). The comment period ended April 21, 1989.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

The Air Transport Association (ATA) of America had several comments on behalf of its members. One ATA member requested that the proposed area of inspection be limited to locations between BS 360 and BS 1016, 2 bays above and 1 bay below lap splices at Stringer (S)-4 and S-10 as required by AD 88-22-11, Amendment 39-6059 (53 FR 44156; November 1, 1988), on earlier Model 737 airplanes, instead of the entire waffle doubler area, as proposed. The FAA does not concur. The proposed inspections are required to find disbonded waffle doublers in any area between BS 360 and BS 1016 due to a process problem during manufacture, and are not related to the lap splice inspections required by of AD 88-22-11.

Two ATA members requested that the use of blind fasteners be allowed as an interim repair for up to 3,000 flight cycles. The FAA concurs and the final rule has been revised to reflect this comment in paragraph B.1.

One ATA member commented that the fastener heads should be visible prior to accomplishing the required high frequency eddy current (HFEC) inspections. The FAA concurs that it is not possible to accomplish the HFEC inspection without seeing the fastener heads. The final rule has been revised, in paragraph B.1., by clarifying that visibility of the fastener head is necessary.

Two ATA members commented that the preventative modification of a skin lap splice, where doubler disbond is detected, should not be required prior to further flight if cracks are found in the splice. The commenters suggested that modification should be required prior to the accumulation of 3,000 flight cycles following inspection and crack repair. This would be consistent with the Model 737 skin lap splice repairs required by AD 88-22-11. The FAA concurs and the final rule has been revised to reflect this comment in paragraph B.1.

The ATA requested that the proposed reporting requirements only require operators to report positive findings, and that they be given 7 days after completion of any inspections to submit such findings. The FAA agrees in part with this comment. The FAA requires both positive and negative findings in order to compile a complete set of data to provide necessary verification that the process problem affects only a limited number of airplanes, and to investigate how disbonded doublers for this group of airplanes has affected the fatigue life of the lap splice. However, it is reasonable to allow 7 days instead of 48 hours to submit such findings. Therefore, the final rule has been revised in paragraph C. to allow 7 days after inspection for submittal of any finding, positive or negative.

The manufacturer commented that, since there is no evidence to support a requirement to accomplish the lap splice preventative modification on uncracked panels within 4,500 flight cycles, as proposed, modification should be accomplished in accordance with the time periods specified in AD 89-09-03, Amendment 39-6184 (54 FR 15741; May 19, 1989), which requires lap splice preventative modifications for cold bonded airplanes on a variable scale depending on airplane flight cycles. In the interim, the manufacturer suggests that inspections should continue at 4,500 flight-cycle intervals until accomplishment of the modification. The FAA agrees in part with this commenter. To provide consistency with previous FAA actions, specifically AD 89-09-03,

and in light of the lack of evidence to support mandatory modification within 4,500 flight cycles, the final rule has been revised in paragraph B.2. to require preventative modification, on uncracked panels, within 24 months after finding doubler disbond; and inspections at 4,500 flight cycles intervals until modification.

The manufacturer also commented that cracks found should be repaired prior to further flight. The FAA concurs with this comment. Although the proposed rule implied this in paragraph C., the final rule has been clarified by adding a direct statement in paragraph B. which states that cracks are to be repaired prior to further flight.

The manufacturer recommended that the applicability be limited to airplanes, line numbers from 520 through 610, based on completion of a review of airplane manufacturing records, operator reports, and the results of a Boeing Inspection Program recently completed. The FAA concurs. This additional data verifies incorporation of the improved bonding process on airplanes line numbers 611 through 750; therefore, the FAA has determined that those airplanes do not require inspection. The final rule has been revised to limit the applicability to airplanes from line number 520 through 610. The economic analysis paragraph, below, has been revised accordingly.

Due to the changes made, based on the comments received, the final rule has been revised for clarity by combining paragraphs B. and C. of the proposed rule into one paragraph B. with subparagaphs B.1. and B.2.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the following rule, with the changes previously noted. These changes will neither increase the economic burden on any operator, nor increase the scope of the AD.

There are approximately 90 Model 737 series airplanes of the affected design in the worldwide fleet. It is estimated that 37 airplanes of U.S. registry will be affected by this AD, that it will take approximately 20 manhours per airplane to accomplish the required inspections, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $29,600.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB Control Number 2120-0056.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities, under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation Safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 737 series airplanes, line numbers 520 through 610, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent inability of the airplane to carry fail-safe loads due to disbonded doublers, and to reduce the possibility of rapid decompression, accomplish the following:

A. Within the next 12 months after the effective date of this AD, conduct a one-time external ultrasonic inspection for disbonding of bonded waffle doublers not mechanically fastened to the fuselage skin between body station (BS) 360 and BS 1016, in accordance with Boeing Non-Destructive Test Manual, Document D6-37239, Chapter 4, subparagraph 53-30-01. Repair doubler disbond, prior to further flight, in accordance with an FAA-approved method using mechanical fasteners.

B. If disbond is detected, accomplish the following:

1. Prior to further flight, perform a high frequency eddy current (HFEC) inspection for cracks along the upper rivet row of the lower lap splice for the entire length of the affected panel, in accordance with Boeing Alert Service Bulletin 737-53A1039, Revision 4, dated April 14, 1988. Repeat these inspections at intervals not to exceed 4,500 flight cycles until accomplishment of the lap splice preventative modification. If cracks are found, repair prior to further flight, in accordance with the service bulletin. Within 3,000 flight cycles following repair, accomplish the lap splice preventative modification on the affected panel, which includes installation of oversize protruding head solid fasteners in the upper rivet row, in accordance with the service bulletin and constitutes terminating action for the inspections required by this paragraph. Blind fasteners may be used as an interim repair only, and must be replaced with protruding head solid fasteners within 3,000 flight cycles following installation. If, during inspections required by this paragraph, the paint inhibits identification of the fastener heads or cracks, the paint must be stripped using an FAA-approved chemical stripper.

2. Within 24 months after detection of disbonding in accordance with paragraph A., above, accomplish the lap splice preventative modification of the affected panel, which includes installation of oversize protruding head solid fasteners in the upper rivet row, in accordance with Boeing Alert Service Bulletin 737-53A1039, Revision 4, dated April 14, 1988. Accomplishment of this paragraph constitutes terminating action for the inspection requirements of paragraph B.1., above.

C. Within 7 days after completion of any inspection required by this AD, submit a report of findings, positive or negative, to the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, through the Principal Maintenance Inspector. The report must include the line number of the airplane inspected, the number of cycles, and the inspection method used.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Seattle Aircraft Certification Office.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Transport

Airplane Directorate; Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This Amendment becomes effective September 5, 1989.

Issued in Seattle, Washington, on July 20, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-17776 Filed 7-28-89; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 88-NM-195-AD; Amdt. 39-6282]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, which requires inspection and replacement, if necessary, of the wing outboard leading edge slat control rods. This amendment is prompted by reports of fractures of the wing outboard leading edge slat control rods. Fracture of both control rods on one slat would result in loss of ability to control the position of the affected slat, which could adversely affect the controllability of the airplane.

EFFECTIVE DATE: September 5, 1989.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Stanton R. Wood, Airframe Branch, ANM-120S; telephone (206) 431-1924. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to Boeing Model 767 series airplanes, which requires the inspection and replacement, if necessary, of the wing outboard leading edge slat control rods, was published in the **Federal Register** on January 31, 1989 (54 FR 4834). The comment period ended March 29, 1989.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter stated that Boeing is developing a new control rod and suggested that the proposed inspections and replacement be delayed until the new control rods are available. The FAA does not concur. To delay this action would be inappropriate, since the FAA has determined that an unsafe condition exists and that inspections must be conducted to ensure continued safety. Additional rulemaking may be considered, however, once new rods are developed, approved, and available.

One commenter stated that, since it has not found any cracked or fractured control rods, it does not believe that there is any problem with the control rods and, therefore, the proposal should be withdrawn. The FAA does not concur. The FAA has received numerous reports of cracked or fractured rods, and considers this evidence that an unsafe condition exists. AD action to correct this unsafe condition is, therefore, warranted.

One commenter suggested that failure of the control rods would not affect safety. The FAA does not concur. Failure of both control rods for a slat would result in a disconnect of the slat, which could adversely affect the controllability of the airplane.

One commenter requested that the initial compliance time be changed to 2,000 landings or 15 months to permit scheduling this inspection during the next "C" check at the operator's maintenance base, where there is capability to conduct the inspections. The FAA concurs that it is desirable to conduct the high-frequency eddy current inspection at the main base; however, it has determined that the accomplishment of this inspection would not create an undue burden because of time or complexity. Therefore, the FAA does not consider extending the compliance time to be justified.

Another commenter stated that its airline has been unable to obtain the necessary probes and standards to accomplish the required ultrasonic inspections and this could jeopardize its ability to comply with the AD. The FAA has been advised that Boeing has revised the Nondestructive Test Manual to provide the necessary instructions concerning the probes and standards. Therefore, all necessary equipment should be available to conduct the inspections required by the proposed AD and the FAA finds that revisions are not necessary in the final rule.

Another commenter stated that the ultrasonic inspection method is unreliable and that Boeing is now developing an eddy current inspection method to inspect the control rods for cracks. Therefore, the commenter requested the AD not be issued until the new inspection is developed. The FAA does not concur. The ultrasonic inspection method is providing reliable inspection results. Further, the FAA is not aware of an eddy current inspection technique (for inspection of the control rods) currently under development. The FAA has determined that the current ultrasonic inspection is adequate to detect the cracking, and the requirements of the rule in this regard, as proposed, are appropriate.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 132 Model 767 series airplanes of the affected design in the worldwide fleet. It is estimated that 60 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $7,200.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities, under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 767 series airplanes, listed in Boeing Service Bulletin 767-57-0021, dated August 25, 1988, certificated in any category. Compliance required as indicated, unless previously accomplished.

To detect cracks in the outboard wing leading edge slat control rods, accomplish the following:

A. Within the next 1,200 landings or 9 months, whichever occurs first, after the effective date of this AD, unless accomplished within the last 800 landings or 6 months, whichever occurs later, visually inspect the wing outboard leading edge slat control rods in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767-57-0021, dated August 25, 1988.

1. If the date of manufacture (stamped on the control rod) is June 1983 or later, no further action is required.

2. If the date of manufacture is illegible or is prior to June 1983, ultrasonically inspect the control rods for cracks in accordance with Figure 1. of Boeing Service Bulletin 767-57-0021, dated August 25, 1988. If cracks or fractures are detected, replace prior to further flight, in accordance with Figure 2. of the service bulletin. Repeat the ultrasonic inspection of the control rods manufactured prior to June 1983 at intervals not to exceed 2,000 landings or 15 months, whichever occurs first.

B. Installation of control rods manufactured June 1983, or later, terminates the inspection requirements of paragraph A.2., above.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may add any comments and then send it to the Manager, Seattle Aircraft Certification Office.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Transport Airplane Directorate, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective September 5, 1989.

Issued in Seattle, Washington, on July 20, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-17779 Filed 7-28-89; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 89-NM-37-AD; Amdt. 39-6280]

Airworthiness Directives; CASA Model C-212 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to CASA Model C-212 series airplanes, which currently requires incorporation of a revision to the FAA-approved maintenance inspection program that provides for structural inspections of the mechanical flap control system, and replacement, as necessary. That action was prompted by a structural reevaluation of the entire flap control system, which identified certain significant structural components which need to be inspected for damage, including corrosion and cracking, to assure the continued airworthiness of the flap system. This amendment specifies the compliance time for accomplishment of the initial inspection of the wing flap control system. This amendment is prompted by a further assessment of the wing flap control system inspection intervals, and the need to clarify the initial inspection requirement. Corrosion or cracking in components of the wing flap control system, if not detected or corrected, could compromise the structural integrity of the flap system.

EFFECTIVE DATE: September 5, 1989.

ADDRESSES: The applicable service information may be obtained from Construcciones Aeronauticas, S.A. (CASA), Getafe, Madrid, Spain. This information may be examined at FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Robert McCracken, Standardization Branch, ANM-113; telephone (206) 431-1979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations by revising AD 89-02-08, Amendment 38-6111 (54 FR 1341; January 13, 1989), applicable to CASA Model C-212 series airplanes, to clarify the compliance time for accomplishment of the initial inspection of the wing flap control system, was published in the **Federal Register** on April 19, 1989 (54 FR 15768).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

CASA stated that nine airplanes have been inspected in accordance with the service information identified in the proposed rule. They noted that, although the number of flights completed on each of the airplanes inspected was well below the 20,000 landings proposed by CASA in the Supplemental Inspection Document called out in the proposed rule, no defects were found. Based on this data, CASA considers there is no technical justification for the 4,000 landings identified in the proposed rule for the initial inspection. The FAA infers from the CASA comment that they are requesting a change in the compliance time for the initial inspection from 4,000 landings as proposed to 20,000 landings as stipulated in the service information. The FAA does not concur. The limited service history for the CASA C-212 does not justify extending the threshold for the initial inspection to 20,000 landings. The FAA has determined that an initial inspection at 4,000 landings will ensure that any cracks or corrosion in the flap control system will be detected and corrected in a timely manner before an unsafe condition develops.

After careful review of the available data, including the comment noted above, the FAA has determined that air

safety and the public interest require the adoption of the rule as proposed.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB Control Number 2120–0056.

It is estimated that 61 airplanes of U.S. registry will be affected by this AD, that it will take approximately 11 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $26,840. (The Supplemental Structural Inspection is to be repeated every 4,000 landings at this same cost).

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities, under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by amending Amendment 39–6111 (54 FR 1341; January 13, 1989), AD 89–02–08, as follows:

CASA: Applies to all CASA Model C–212 series airplanes, certificated in any category. Compliance is required as indicated below, unless previously accomplished.

To ensure continuing structural integrity of the wing flap control system, accomplish the following:

A. Within six months after February 17, 1989 (the effective date of AD 89–02–08, Amendment 39–6111), incorporate a revision into the FAA-approved maintenance inspection program that will provide for inspection of the wing flap control system in accordance with CASA Document COM. 212–206, Revision 1, dated May 20, 1988. The non-destructive inspection techniques set forth in the CASA C–212 non-destructive procedures (27–50–01 through 27–50–05) provide acceptable methods for accomplishing the inspections required by this AD. All inspection results, positive or negative, must be reported to CASA Product Support, in accordance with instructions in the CASA Flap Control System Inspection Document. This Supplemental Structural Inspection (SSI) is to be repeated at intervals not to exceed 4,000 landings.

B. Prior to the accumulation of 4,000 landings, or within six months after the effective date of this amendment, whichever occurs later, inspect the wing flap control system in accordance with CASA Document COM. 212–206, Revision 1, dated May 20, 1988.

C. Cracked structure or damaged components detected during the inspections required by paragraphs A. and B., above, must be replaced prior to further flight, in accordance with CASA Document COM. 212–206, Revision 1, dated May 20, 1988.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Construcciones Aeronauticas, S.A. (CASA), Getafe, Madrid, Spain. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

The Amendment amends AD 89–02–08, Amendment 39–6111.

This Amendment becomes effective September 5, 1989.

Issued in Seattle, Washington, on July 19, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89–17777 Filed 7–28–89; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 177

RIN 1515–AA71

Administrative Procedures

AGENCY: U.S. Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends Part 177, Customs Regulations, by changing certain existing procedures and creating other new procedures that will enhance and expedite Customs dealings with the importing public. The amendments create a new procedure to promote nationwide uniformity in Customs decisions consistent with the mandate of the Anti-Drug Abuse Act of 1988 and allow commercial importers to receive binding rulings on tariff classification under the Harmonized Tariff Schedule of the United States at Customs districts. Further, the amendments clarify the circumstances under which the effective date of a ruling can be delayed in recognition of an importer's reliance on a previous, more favorable ruling and the obligations of a recipient of a tariff classification ruling letter if entry of merchandise described in the ruling letter is subsequently made. The document also removes the "clearly wrong" test as the standard by which Customs determines whether certain established and uniform practices should be changed.

EFFECTIVE DATE: August 30, 1989.

FOR FURTHER INFORMATION CONTACT: John T. Roth, Commercial Rulings Division (202) 566–5868.

SUPPLEMENTARY INFORMATION:

Background

The administrative rulings program administered by the Customs Service provides a means by which commercial importers can import their products with some certainty regarding Customs treatment of their importation. With the

passage of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418), and the replacement of the Tariff Schedules of the United States with the Harmonized Tariff Schedule of the United States (HTSUS), Customs is experiencing a far greater use of the administrative rulings program than ever before.

Accordingly, Customs published a notice in the **Federal Register** (54 FR 8208) on February 27, 1989, proposing changes in its ruling program to accommodate its increased use by importers, to improve Customs responsiveness to the ruling requests received, and to promote greater uniformity in the decisions being issued. The amendments proposed to: (1) Create a new procedure to promote nationwide uniformity in Customs decisions; (2) allow commercial importers to receive binding rulings on tariff classification under the HTSUS at Customs districts; (3) clarify the circumstances under which the effective date of a ruling can be delayed in recognition of an importer's reliance on a previous, more favorable ruling; (4) clarify the obligations of a recipient of a tariff classification ruling letter if entry of merchandise described in the ruling letter is subsequently made; (5) remove the "clearly wrong" test as the standard by which Customs determines whether certain established and uniform practices should be changed; and (6) clarify the extent to which previously issued rulings can be the subject of a request for internal advice.

Fourteen comments were received in response to the notice of proposed rulemaking. A summary of each proposed change and a discussion of comments regarding the proposed change follows.

District Ruling Program

Summary

Commercial importers may apply in writing for an advance binding tariff classification under the HTSUS at the Customs district where the merchandise will be imported or at any other district where the importer would have reason to do business. This program began January 1, 1989, on a trial basis. All rulings issued under this program are binding for the recipient at all ports of entry. The target turn-around time for a binding ruling under this program is 30 days, or 120 days if Headquarters must be involved. Proposed changes to the Customs Regulations to implement this program involved expanding the authority to issue prospective tariff classification rulings from Headquarters and the Regional Commissioner, New York, to all Customs districts and to limit each request to a district office for a ruling to five merchandise items, all of which must be of the same class or kind. The proposed rule also stated that in addition to the information prescribed in § 177.2(b)(1), (2)(i) and (ii), and (5), Customs Regulations (19 CFR 177.2(b)(1), (2)(i) and (ii), and (5)), when submitting a ruling request, a request to the district must include the name of the manufacturer and seller (if available), the country of origin and the importer of record number which will be used at entry.

Discussion of Comments

Comments were generally favorable regarding the institution of the district rulings program. Some commenters recommended that the scope of the program be broadened to cover Customs rulings in areas other than tariff classification. It was also recommended that we not limit each ruling request to a district office to five merchandise items.

With the enactment of the HTSUS, the resources of the district ruling program were of necessity directed toward providing tariff classification advice on an expedited basis. Customs now does not have the resources to expand the program to other rulings.

In order to afford the importing community equal access to expedited rulings, it is necessary to limit district rulings program ruling requests to five items. It is Customs intent to issue all of its rulings as expeditiously as possible. With this goal in mind, we will periodically review the program to ascertain ways in which it can better serve the public.

Also, Customs has recently established uniform procedures for providing pre-entry classification decisions to the importing public. These procedures—which shift the emphasis of the classification function from transaction based analysis after importation to up-front advice regarding future importations—are designed to complement the district rulings program by expeditiously supplying importers with binding classification rulings. While participation in the pre-entry classification program is granted on a case-by-case basis, all merchandise is eligible for consideration.

It has been pointed out that in certain industries, importations routinely occur simultaneously with the filing of requests for binding rulings. Because the district rulings program is limited to "prospective" transactions, certain importers were concerned that they may not be able to avail themselves of the program's expeditious procedures.

While the district rulings program is limited to prospective transactions, this does not preclude the importing public from receiving district rulings for "continuing transactions"—i.e., while a district ruling will not be issued regarding transactions currently pending before a field office, an importer may still receive a binding ruling regarding prospective transactions (that is, later importations) involving merchandise which is identical to that involved in a current transaction. Internal Advice procedures are available for current transactions.

Some commenters took issue with the requirement that an importer provide the name of the manufacturer or seller when seeking a district ruling. They argue that the name of the manufacturer or seller is irrelevant to a classification decision. Further, an importer often will not have chosen his sources until receipt of the ruling letter. Sourcing is frequently changed for various business reasons such as pricing, quota restraints and production demands.

Customs is well aware that when an importer submits a request for a binding ruling the manufacturer or seller is often unknown. This information is required only if known. While we agree that this information would have no bearing on the classification issue, submission of the manufacturer or seller's name would aid in the facilitation of quota requirements and streamline processing at both release and summary.

Uniformity of Customs Officers' Decisions

Summary

Section 7361(c) of the Anti-Drug Abuse Act of 1988 (Title VI, Pub. L. 100-690)—requires the Secretary of the Treasury to promulgate regulations to provide for nationwide uniformity of certain decisions made by Customs officers and to establish procedures by which certain parties affected by the lack of such uniformity may have the alleged inconsistencies resolved. Accordingly, Customs proposed procedures to permit port authorities and any party entitled to either protest a decision of the Customs Service under the protest procedures set forth in sections 514 and 515 of the Tariff Act of 1930, as amended (19 U.S.C. 1514,1515), or utilize the Domestic Interested Party petition procedures set forth in section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516) to petition the Customs Service for resolution of an inconsistency or lack of uniformity alleged to exist in: (1) A decision of a Customs officer permitted to be

protested by section 514(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1514(a)), or (2) decisions to conduct intensified examinations or inspections of merchandise at various ports of entry.

It was proposed that the petitioning party be required to furnish information sufficient to document the alleged inconsistency. For tariff classification rulings, competing entries must be identified as to port of entry, date and entry number, and the merchandise must be fully described. In the case of alleged inconsistencies in the inspection or examination of merchandise, the petitioning party must furnish information sufficient to document that a pattern of inconsistency exists. A "pattern of inconsistency" was defined as three or more documented instances in which inspections or examinations were conducted within a particular port that appear inconsistent with inspection or examination decisions of another port or ports when substantially identical shipments are involved. Upon receipt of a properly filed petition, Customs will immediately verify the facts alleged and upon verification will publish a notice in the **Federal Register** that the petition has been received, describing the alleged inconsistency, and permit 15 days for public comment. After analysis of the public comment, Customs will issue a decision to the petitioner, transmit copies to the ports involved and publish a summary of the decision in the **Federal Register** and Customs Bulletin. The response to a petition is not protestable.

Discussion of Comments

Commenters, although generally in favor of the uniformity procedures, had the following concerns. Some commenters suggested that we more clearly define what consititutes a "pattern of inconsistency." In the preamble of the proposed regulations, it was stated that a pattern of inconsistency must be shown regarding "substantially identical shipments" within a particular port, while the proposed regulation stated the pattern of inconsistency must be established where "substantially similar" merchandise is involved. Some commenters were also unclear as to whether the inconsistencies must all occur in one port.

Customs wishes to clarify. A "pattern of inconsistency" would exist where three or more instances are documented in which inspections or examinations are conducted that appear inconsistent with other inspection and examination decisions when substantially similar merchandise is involved. The three or more instances of inconsistency may occur in different ports. While inconsistencies involving shipments of the same importer, manufacturer, commodity and country of origin may clearly be the subject of this petitioning process, inconsistencies involving shipments that are not identical, but substantially similar, may also be the subject of a petition.

Some commenters believe that Customs response to a petition for consistent treatment should be protestable.

Customs believes that this is unnecessary. Section 514 of the Tariff Act of 1930, as amended (19 U.S.C. 1514) provides when an action by Customs is protestable. A petitioner who alleges inconsistent treatment and is dissatisfied with Customs is not entitled to protest unless there is an actual liquidation or other action subject to protest under Part 174, Customs Regulations (19 CFR Part 174) and sections 514 and 515 of the Tariff Act of 1930, as amended (19 U.S.C. 1514 and 1515).

It was commented that steps should be taken that when a "multiple petition" is returned to a sender, accompanied by a copy of the accepted petition, confidential information is not disclosed regarding the accepted petition.

Customs agrees. A provision is added to the regulations requiring a petitioner to provide a "sanitized" copy of his petition.

Other commenters stated that the applicable public comment period on a petition should be increased from 15 to at least 30 days.

Customs believes that a 15 day comment period is appropriate. This time frame is necessary in order for Customs to expidite the issuance of its decisions.

Delaying the Effective Date of Certain Rules

Summary

Customs proposed to amend § 177.9, Customs Regualtions (19 CFR 177.9) to specify that it may, from time to time, delay the effective date of rulings which modify or reverse earlier written rulings, or which modify the manner in which Customs has treated "substantially identical" transactions in the past. Customs may provide for the delay on its own initiative or it may act upon a request for a delay made by the recipient of the ruling.

Discussion of Comments

It was recommended by a commenter that equitable relief should be granted not only in cases of detrimental reliance, but also in cases where an importer is placed at a competitive disadvantage owing to inequality of treatment. By requiring a showing of detrimental reliance, it is argued that importers for whom rulings are pending—and who thus cannot claim a lack of knowledge that the rate of duty may increase on their merchandise—are disadvantaged vis-a-vis other importers of the same type merchandise who, because they are not party to the ruling, are in a position to establish the required reliance for a grant of delay of an effective date of a ruling.

Customs does not agree with this commenter's reading of the language in proposed 19 CFR 177.9(d)(3). The section states that "a delay may be granted with respect to the party to whom the ruling letter was issued or to any other party, provided such party can demonstrate * * * that they reasonably relied on the earlier ruling to their detriment." In effect, insofar as coverage under the proposed rule is not limited to importers who lack knowledge regarding the pendency of an issue before Customs which may result in a higher rate of duty for their importations, the rule does not penalize one importer vis-a-vis another importer of the same merchandise. Rather, the rule is specifically intended to afford importers an opportunity to make whatever adjustments are necessary once they become aware of a possible modification of Customs treatment. Under the proposed rule, it is envisioned that Customs will carefully examine all relevant factors in making a determination of whether and for how long to grant a delay in an effective date of a ruling.

It was also recommended that we extend the period for granting delays in the effective date of rulings from 90 days, to 180 days, or even to 360 days.

Customs disagrees. While our proposed amendment is intended to mitigate the adverse impact of rulings modifying earlier rulings relied upon by importers, sound public policy also requires that we give expeditious effect to the requirements of the law. We believe that limiting any delay to 90 days properly balances these considerations.

Another commenter suggested that we reduce from two years the period for which an affected party must demonstrate that Customs treatment was sufficiently continuous to establish that the party reasonably relied on receiving such treatment in arranging future transactions.

Customs believes the importer is misreading the language of the amendment. The requirement that an affected party submit evidence covering a 2 year period is not to be interpreted

as requiring substantially identical transactions spanning an entire 2 year period. Rather, an importer is required to list and otherwise provide whatever relevant evidence exists for the 2 year period immediately prior to the date of the issuance of the modifying ruling.

Finally, it has been suggested that we delete the language which would allow Customs, in analyzing past liquidations claimed to be inconsistent with a subsequently issued ruling, to give "diminished weight" to liquidations involving "transactions of small quantities or values" or merchandise which has been "processed without examination and/or import specialist review."

Delaying the effective date of rulings constitutes an exercise of discretionary authority based on the equitable principle of reliance. In determining whether and for how long to delay the effective date of a ruling which so qualifies, Customs should be able to consider all relevant factors. The extent to which Customs has physically examined previous importations or carefully reviewed information on prior transactions are relevant factors.

Obligation of Recipients of Letter Rulings

Summary

Customs proposed to amend § 177.8(a)(2), Customs Regulations (19 CFR 177.8(a)(2)) to expressly set forth the obligation of an importer to enter merchandise under a tariff classification consistent with that contained in any classification ruling received by the importer which is in effect. The amendment also requires that a copy of the ruling be attached to the documents filed with the appropriate Customs office in connection with that transaction or shall otherwise indicate with the information filed for that transaction that a ruling has been received.

Discussion of Comments

Some commenters stated that there is no justification for requiring either that a copy of a ruling letter be submitted or that each transaction include a statement that a ruling has been issued. They believe that this would impose an unnecessary burden and expense on importers.

Customs expends considerable resources in providing tariff classifications to the importing public. Insofar as Customs is bound by the classification rulings it issues, it is only appropriate that the importing public be bound as well.

Although Customs shares the aversion to requiring an additional piece of paper in the entry summary package, one of our major considerations is to ensure that Customs honors its commitment to uniformly apply ruling decisions throughout the country. Without a method for the Import Specialist to know that a ruling exists, an importer risks having summaries rejected or classifications changed due to different views.

Customs is considering implementing a procedure where, under certain circumstances, a ruling could be filed once at each port of entry where the merchandise is entered and reference made to the ruling number on each summary line. We are programming rulings indicators in the Automated Commercial Systems (ACS) on the summary line item screens. When this becomes operational, a copy of a ruling will not be required for Automated Broker Interface (ABI) filers for summary filing. We are also developing a rulings module in ACS to ease field access to rulings. Until that time, however, we believe it is critical to uniformity and in the best interest of the importer to require a paper copy.

Some commenters state that they are entitled to enter merchandise at the tariff rate they feel is warranted.

Customs believes that if a ruling is requested, it should be followed. Making entry consistent with a binding Customs ruling in no way diminishes the available avenues of administrative appeal. Protests may still be filed under Part 174, Customs Regulations, and section 514 of the Tariff Act of 1930, as amended (19 U.S.C. 1514).

Some commenters suggested that we should clarify what constitutes a "ruling letter" and provide assurance that only the specific party to whom a ruling is issued is requested to submit that ruling to Customs.

To the extent that the proposed amendment may be ambiguous regarding what constitutes a ruling letter, the amendment is revised to make it clear that it contemplates coverage limited to binding classification rulings, including pre-entry classification decisions issued under Part 177 of the regulations to the party to be bound. It is Customs intent that this amendment does not apply to parties other than those parties to whom the ruling letter in question is issued.

Finally, it has been suggested that Customs should enumerate the specific penalty proceedings which may be instituted against importers who enter merchandise contrary to the requirements set forth in the amendment.

Customs disagrees. As with Customs penalty proceedings in general, penalties may vary depending on a range of factors, such as the differential in the rate of duties, the degree of negligence and the value of the merchandise involved.

Elimination of "Clearly Wrong" Test

Summary

Customs proposed to remove the "clearly wrong" standard from § 177.10(b) of the Customs Regulations.

Discussion of Comments

It has been suggested that our proposal to eliminate the "clearly wrong" test is misguided. Specifically, it is argued that the test should be retained because it promotes certainty and uniformity in the importing process.

We do not believe that removal of this provision would adversely affect the importing community. Under the relevant statutory and case law, Customs may only disturb a practice if there exists a compelling reason to do so, and only then after full consideration of public comment. In short, we believe the test has proven to be unrealistic, unnecessary and confusing.

Conclusion

After careful consideration of all the comments received and further review of the matter, it has been determined that the amendments, with the modifications discussed above, should be adopted.

Executive Order 12291

The document does not meet the criteria for a "major rule" as defined in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendments will not have a significant economic impact on a substantial number of small entities. Accordingly the amendments are not subject to the regulatory analysis requirements of 5 U.S.C. 603 and 604.

Paperwork Reduction Act

The collection of information contained in this final regulation has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 1515–0103. The estimated average annual burden per respondent and/or

recordkeeper is .1666 or .50 hours depending on individual circumstances.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to U.S. Customs Service, Paperwork Management Branch, Washington, DC 20229, or the Office of Management and Budget, Paperwork Reduction Project (1515–0103), Washington, DC 20503.

Drafting Information

The principal author of this document was Harold M. Singer, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 177

Administrative practice and procedure.

Amendments to the Regulations

Part 177 of the Customs Regulations (19 CFR Part 177) is amended as set forth below:

PART 177—ADMINISTRATIVE RULINGS

1. The authority citation for Part 177, Customs Regulations (19 CFR Part 177), is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1624, unless otherwise noted. section 177.12 also issued under Pub. L. 100–690 (19 U.S.C. 1514 note).

2. Section 177.0, Customs Regulations is amended by revising the first sentence and the following parenthetical to read as follows:

§ 177.0 Scope.

This part relates to the issuance of rulings to importers and other interested persons by the United States Customs Service. * * *

3. Section 177.1, Customs Regulations, is amended by revising the second sentence of paragraph (a)(1), the last sentence of paragraph (b), and the first sentence of both paragraph (d)(1) and (d)(2) to read as follows:

§ 177.1 General ruling practice and definitions.

(a) *The issuance of rulings generally*—(1) *Prospective transactions* * * * For this reason, the Customs Service will give full and careful consideration to written requests from importers and other interested parties for rulings or information setting forth, with respect to a specifically described transaction, a definitive interpretation of applicable law, or other appropriate information. * * *

* * * * *

(b) *Oral advice.* * * * However, oral inquiries may be made to Customs Service offices regarding existing rulings, the scope of such rulings, the types of transactions with respect to which the Customs Service will issue rulings, the scope of the rulings which may be issued, or the procedures to be followed in submitting ruling requests, as described in this part.

* * * * *

(d) *Definitions.* (1) A "ruling" is a written statement issued by the Headquarters Office or the appropriate office of Customs as provided in this part that interprets and applies the provisions of the Customs and related laws to a specific set of facts. * * *

(2) An "information letter" is a written statement issued by the Customs Service that does no more than call attention to a well-established interpretation or principle of Customs law, without applying it to a specific set of facts. * * *

4. Section 177.2, Customs Regulations, is amended by revising the last sentence of paragraph (a), adding a new sentence to the end of paragraph (b)(2)(ii)(A), revising paragraph (b)(2)(ii)(B), revising paragraph (b)(2)(ii)(C) and revising the first sentence of paragraph (d) to read as follows:

§ 177.2 Submission of ruling requests.

(a) *Form.* * * * Requests for tariff classification rulings should be addressed to the Regional Commissioner of Customs, New York Region, Attn: Classification Ruling Requests, New York, New York 10048, or to any Area or District office of the Customs Service.

(b) *Content* * * *

(2) *Description of transaction* * * *

(ii) *Tariff classification rulings.* (A) * * * Individual requests for rulings submitted to Area or District offices will be limited to five (5) merchandise items, all of which must be of the same class or kind.

(B) Rulings issued by the New York Region or by other Area or District offices are limited to prospective transactions. Only the Headquarters Office will prepare final decisions under § 177.11 (Requests for Advice by Field Officers), or § 174.23 (Further Review of Protests), § 177.10 (Change of Practice), decisions under Part 175 of this Chapter (petitions under Section 516, Tariff Act of 1930, as amended), decisions under § 177.12 (Inconsistent Customs decisions), and decisions under Policies and Procedures Manual Supplement 2126–01.

(C) The requesting party may send the request directly to the Director, Commercial Rulings Division, U.S. Customs Service, Washington, DC 20229. The Headquarters Office retains authority to independently review all tariff classification ruling letters issued by the New York Region and other Area and District Offices. If the importer or other person to whom a ruling letter is issued disagrees with the tariff classification set forth in a ruling issued by the New York Region or other Area or District offices, he may petition the Director, Commercial Rulings Division, U.S. Customs Service, Washington, DC 20229, for review of the ruling.

* * * * *

(d) *Requests for immediate consideration.* The Customs Service will normally process requests for rulings in the order they are received and as expeditiously as possible. * * *

5. Section 177.3 is revised to read as follows:

§ 177.3 Nonconforming requests for rulings.

A person submitting a request for a ruling that does not comply with all of the provisions of this part will be so notified in writing, and the requirements that have not been met will be pointed out. Except in the case of ruling requests submitted to Area or District offices, such person will be given a period of thirty (30) days from the date of the notice (or such longer period as the notice may provide) to supply any additional information that is requested or otherwise conform the ruling request to the requirements referred to in the notice. The Customs Service file with respect to ruling requests which are not brought into compliance with the provisions of this part within the period of time allowed will be administratively closed and the request removed from active consideration until such time as the deficiencies cited in the notice are corrected. A request for a ruling that is removed from active consideration by reason of failing to comply with the provisions of this part may be treated as withdrawn. In the case of ruling requests made to Area or District offices, a failure to comply with the provisions of this part will result in the return of the ruling request with the notice specifying the deficiencies and such requests will not be considered as having been filed until such deficiencies are corrected.

§ 177.4 [Amended]

6. Section 177.4(b) is amended by removing the second sentence.

7. Section 177.4(d) is amended by removing the words "by the Headquarters Office" at the end of the section.

8. Section 177.5 is amended by revising the second sentence to read as follows:

§ 177.5 Change in status of transaction.

* * * In particular, the Customs Service office to which the request was made must be advised when any transaction described in the ruling request as prospective becomes current and under the jurisdiction of a Customs Service field office. * * *

9. Section 177.8 is amended by revising the first sentence of paragraph (a)(1), all of paragraph (a)(2), and the last sentence of paragraph (a)(3) to read as follows:

§ 177.8 Issuance of rulings.

(a) *Ruling letters*—(1) *Generally.* The Customs Service will endeavor to issue a ruling letter setting forth a determination with respect to a specifically described Customs transaction whenever a request for such a ruling is submitted in accordance with the provisions of this part and it is in the sound administration of the Customs and related laws to do so. * * *

(2) *Submission of ruling letters to field offices.* Any person engaging in a Customs transaction with respect to which a binding tariff classification ruling letter (including pre-entry classification decisions) has been issued under this part shall ascertain that a copy of the ruling letter is attached to the documents filed with the appropriate Customs Service office in connection with that transaction, or shall otherwise indicate with the information filed for that transaction that a ruling has been received. Any person receiving a ruling setting forth the tariff classification of merchandise shall set forth such classification in the documents or information filed in connection with any subsequent entry of that merchandise; the failure to do so may result in a rejection of the entry and the imposition of such penalties as may be appropriate. A ruling received after the filing of such documents or information shall immediately be brought to the attention of the appropriate Customs Service field office.

(3) *Disclosure of ruling letters.* * * * All ruling letters issued by the Customs Service will be available, upon written request, for inspection and copying by any person (with any portions determined to be exempt from disclosure deleted).

* * * * *

10. Section 177.9 is amended by revising paragraph (a), revising the concluding text of paragraph (d)(2), and adding new paragraphs (d)(3) and (e) to read as follows:

§ 177.9 Effect of ruling letters; modifications or revocation.

(a) *Effect of ruling letters generally.* A ruling letter issued by the Customs Service under the provisions of this part represents the official position of the Customs Service with respect to the particular transaction or issue described therein and is binding on all Customs Service personnel in accordance with the provisions of this section until modified or revoked. In the absence of a change of practice or other modification or revocation which affects the principle of the ruling set forth in the ruling letter, that principle may be cited as authority in the disposition of transactions involving the same circumstances. Generally, a ruling letter is effective on the date it is issued and may be applied to all entries which are unliquidated, or other transactions with respect to which the Customs Service has not taken final action on that date. See, however, paragraphs (d) and (e) (ruling letters which modify previous ruling letters or positions) and § 177.10(e) (ruling letters published in the *Customs Bulletin*).

* * * * *

(d) *Modification or revocation of ruling letters* * * *

(2) *Effect of modification or revocation of ruling letters.* * * *

* * * * *

Nothing in this paragraph will prohibit the retroactive modification or revocation of a ruling with respect to a transaction which was not prospective at the time the ruling was issued, inasmuch as such a transaction was not entered into in reliance on a ruling from the Customs Service.

(3) *Effective dates.* Generally, a ruling letter modifying or revoking an earlier ruling letter will be effective on the date it is issued. However, the Customs Service may, upon application or on its own initiative, delay the effective date of such a ruling for a period of up to 90 days from the date of issuance. Such a delay may be granted with respect to the party to whom the ruling letter was issued or to any other party, provided such party can demonstrate to the satisfaction of the Customs Service that they reasonably relied on the earlier ruling to their detriment. All parties applying for a delay will be issued a separate ruling letter setting forth the period, if any, of the delay to be provided. In appropriate circumstances, the Customs Service may decide to make its decision, with respect to a delay, applicable to all affected parties, irrespective of demonstrated reliance; in this event, a notice announcing the delay will be published in the Customs Bulletin and individual ruling letters will not be issued.

(e) *Ruling letters modifying past Customs treatment of transactions not covered by ruling letters*—(1) *General.* The Customs Service will from time to time issue a ruling letter covering a transaction or issue not previously the subject of a ruling letter and which has the effect of modifying the treatment previously accorded by the Customs Service to substantially identical transactions of either the recipient of the ruling letter or other parties. Although such a ruling letter will generally be effective on the date it is issued, the Customs Service may, upon application by an affected party, delay the effective date of the ruling letter, and continue the treatment previously accorded the substantially identical transaction, for a period of up to 90 days from the date the ruling letter is issued.

(2) *Applications by affected parties.* In applying to the Customs Service for a delay in the effective date of a ruling letter described in paragraph (e)(1) of this section, an affected party must demonstrate to the satisfaction of the Customs Service that the treatment previously accorded by Customs to the substantially identical transactions was sufficiently consistent and continuous that such party reasonably relied thereon in arranging for future transactions. The evidence of past treatment by the Customs Service shall cover the 2-year period immediately prior to the date of the ruling letter, listing all substantially identical transactions by entry number (or other Customs assigned number), the quantity and value of merchandise covered by each such transaction (where applicable), the ports of entry, and the dates of final action by the Customs Service. The evidence of reliance shall include contracts, purchase orders, or other materials tending to establish that the future transactions were arranged based on the treatment previously accorded by the Customs Service.

(3) *Decision by Customs to grant delay.* The Customs Service will examine all factors relevant to the issue of reliance in determining whether, and for what period, to delay the effective date of a ruling letter described in paragraph (e)(1) of this section. In particular, the Customs Service will examine the past transactions on which reliance is claimed to determine whether there was an examination of the merchandise (where applicable) by the Customs Service or the extent to which those transactions were otherwise examined and analyzed by the Customs Service to determine the proper

application of the Customs laws and regulations. In general, transactions involving small quantities or values, as well as informal entries and other entries or transactions which the Customs Service, in the interest of commercial facilitation and accommodation, processes expeditiously and without examination and/or import specialist review, will be given diminished weight in establishing the required history of consistent and continuous Customs treatment. Unless a notice covering all affected parties is published in the *Customs Bulletin*, each affected party applying for a delay in the effective date of the ruling letter will be advised in a separate ruling letter of the extent to which a delay in the effective date will be applied to their transactions.

§ 177.10 [Amended]

11. Paragraph (b) of § 177.10 is amended by removing the last senctence.

12. Section 177.11(b)(1) is revised to read as follows:

§ 177.11 Requests for advice by field offices.

* * * * *

(b) *Certain current transactions.*

(1) *When a ruling has been issued—*

(i) *Requests by field offices.* If any Customs Service office has issued a ruling letter with respect to a particular Customs transaction and the Customs Service field office having jurisdiction over that transaction believes that the ruling should be modified or revoked, the field office will forward to the Headquarters Office, pursuant to § 177.9(b)(1), a request that the ruling be reconsidered. The field office will notify the importer or other person to whom the ruling letter was issued, in writing, that it has requested the Headquarters Office to reconsider the ruling.

(ii) *Requests by importers and others.* If the importer or other person to whom a ruling letter is issued disagrees with the Customs Service field office having jurisdiction over the transaction to which the ruling relates as to the proper application of the ruling to the transaction, the field office will, upon receipt of a written request submitted in accordance with the procedure set forth in paragraph (b)(3) of this section, request advice from the Headquarters Office as to the proper application of the ruling to the transaction. Such advice may not be requested for the purpose of seeking reconsideration of a ruling with which the importer or other person to whom the ruling letter was issued disagrees.

13. A new § 177.12 (19 CFR 177.12) is added to Subpart A to read as follows:

§ 177.12 Inconsistent customs decisions.

(a) *Generally.* Certain decisions made by Customs officials at one field location which are inconsistent with decisions being made by Customs officials at another location may be brought to the attention of Customs Headquarters for resolution by a petition filed by an interested party. The types of decisions which may be the subject of such a petition, a description of the parties who qualify as interested parties, and the period of time in which the petition may be filed are set forth below.

(1) *Inconsistent decisions subject to petition.* The decisions which may be the subject of a petition include:

(i) Decisions described in section 514(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1514(a)), made with respect to the same, or substantially similar, merchandise; and

(ii) Repeated decisions to conduct intensified inspections or examinations of merchandise at ports of entry.

(2) *Interested Parties.* The following parties shall be considered interested parties entitled to file a petition under this section:

(i) Parties described in section 514(c)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1514(c)(1)), as eligible to file a protest under section 514;

(ii) A port authority; and

(iii) An "interested party," as described in section 516(a)(2) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(a)(2)).

(3) *Time for filing.* In the case of decisions described in section 514(a) of the Tariff Act, the petition must be filed within the time prescribed by section 514(c)(2), for filing a protest with respect to the later (or latest) of the decisions which are the subject of the petition. In the case of repeated decisions to conduct intensified inspections or examinations of merchandise at ports of entry, the petition must be filed within ninety (90) days of the later (or latest) such decision.

(b) *Petition*—(1) *Form.* The petition shall be in the form of a letter addressed to the Office of Regulations and Rulings, U.S. Customs Service, Washington, DC 20229–0001. Three copies of the petition should be submitted, if possible.

(2) *Content.* The petition should contain a complete description of the inconsistent decisions complained of, including the ports of entry (or other Customs office) where the decisions were made, entry numbers, and the dates (or approximate dates) such decisions were made. The information set forth in the petition must be sufficient to demonstrate the inconsistency of the decisions described and that the merchandise, or circumstances in which the allegedly inconsistent decisions were made, were substantially similar. In the case of repeated decisions regarding the inspection or examination of merchandise, the decisions must be sufficient in number to demonstrate a pattern of inconsistency not attributable to random selection. Any information which the petitioner considers to be confidential business information should be so noted pursuant to § 177.2(b)(7) of this Subpart and a sanitized version of his petition should be submitted as well as the three copies requested in paragraph (b)(1) of this section. Petitions which do not contain information sufficient to permit the Customs Service to verify that the decisions described have occurred will not be considered properly filed and will be returned to the petitioner for additional information. Only one petition will be accepted by the Customs Service with respect to the decisions alleged to be inconsistent.

(i) *Tariff classification decision.* In the case of decisions involving the tariff classification of merchandise, the petition should also include, with respect to each of the decisions described, the information requested in §§ 177.2 (b)(1) and (b)(2)(ii) of this Subpart, including a sample (see § 177.2(b)(3)).

(ii) *Other subjects addressable by administrative rulings.* In the case of other decisions involving subjects which could be addressed under the administrative rulings procedure provided for in §§ 177.1 through 177.10 of this Subpart, the information contained in §§ 177.2 (b)(1), (b)(2)(iii) and/or (b)(2)(iv), as applicable, should be also furnished for each of the decisions addressed by the petition.

(c) *Publication and public comment.* Upon receipt of a properly filed petition, notice will be published in the **Federal Register** announcing the receipt of the petition and describing the decisions alleged to be inconsistent. Public comment on the petition will be permitted for a period of fifteen (15) days after publication. Public comment regarding the proper disposition of the petition shall be limited to that submitted in writing, either with the

petition or in response to the Federal Register solicitation of public comment.

(d) *Determination of petition; distribution and publication.* Within fifteen (15) days after the close of the period for public comment referred to in paragraph (c) of this section, the Customs Service will issue a decision to the petitioner addressing the inconsistency complained of. That decision will either conform the inconsistent decisions to the current views of the Customs Service as to the proper tariff classification or other disposition of the subject of those decisions or explain why no inconsistency exists. Copies of the decisions to the petitioner will be transmitted directly to all ports (or other Customs offices) identified in the petition and will be distributed through the Customs Information Exchange or by other means to such other ports or offices as may be necessary to correct any inconsistency identified. A summary of the decision will also be published in the Federal Register and the weekly Customs Bulletin.

(e) *Effective date.* Unless otherwise specified in the decision, a decision issued in response to a petition filed under this section will be effective immediately and, where applicable, applied to all entries for which liquidation is not final.

(f) *Effect on other procedures.* The filing of a petition under this procedure shall not preclude the petitioner or any other person entitled to do so from filing a protest or a domestic interested party petition regarding the same matter under the procedures set forth in sections 514, 515 and 516 of the Tariff Act of 1930, as amended and Parts 174 and 175 of this Chapter, provided the applicable requirements set forth therein are complied with. However, the decision issued in response to the petition may serve as the basis for the disposition of any protest so filed, or as an information letter setting forth the position of the Customs Service pursuant to Subpart A of Part 175 of this Chapter. The decision issued in response to a petition filed under this section is not itself a decision subject to protest under sections 514–515 of the Tariff Act and Part 174 of this Chapter.

William von Raab,

Commissioner of Customs.

Approved: July 24, 1989.

Salvatore R. Martoche,

Assistant Secretary of the Treasury.

[FR Doc. 89–17601 Filed 7–28–89; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 88F–0209]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 2-(8-heptadecenyl)-4,5-dihydro-1*H*-imidazole-1-ethanol as an additive for lubricants with incidental food contact. This action is in response to a petition filed by Ciba-Geigy Corp.

DATES: Effective July 31, 1989; written objections and requests for a hearing by August 30, 1989.

ADDRESSES: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of July 21, 1988 (53 FR 27568), FDA announced that a food additive petition (FAP 8B4093) had been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that § 178.3570 *Lubricants with incidental food contact* (21 CFR 178.3570) be amended to provide for the safe use of 2-(8-heptadecenyl)-4,5-dihydro-1*H*-imidazole-1-ethanol as a multipurpose additive for lubricants with incidental food contact.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before August 30,1989, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR Part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR Part 178 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 178.3570 is amended in paragraph (a)(3) by alphabetically adding a new entry to the table to read as follows:

§ 178.3570 Lubricants with incidental food contact.

* * * * *

(a) * * *

(3) * * *

Substances	Limitations
* * * * *	
2-(8-Heptadecenyl)-4,5-dihydro-1*H*-imidazole-1-ethanol (CAS Reg. No. 95-38-5).	For use at levels not to exceed 0.5 percent by weight of the lubricant.
* * * * *	

* * * * *

Dated: July 21, 1989.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-17786 Filed 7-26-89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 201, 203, and 234

[Docket No. N-89-2016; FR-2672]

Mortgage Insurance; Changes to the Maximum Mortgage Limits for Single Family Residences, Condominiums and Manufactured Homes and Lots

AGENCY: Office of the Assistant Secretary for Housing, Federal Housing Commissioner, HUD.

ACTION: Notice of revisions to FHA maximum mortgage limits for high-cost areas.

SUMMARY: This Notice amends the list of areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act by increasing "high-cost" mortgage limits for Rutland County, Vermont; Ulster County, New York; St. Mary's County, Maryland; Albermarle County and the City of Charlottesville, Virginia; Spotsylvania County and the City of Fredericksburg, Virginia; the Miami-Hialeah, Florida PMSA; Monroe County, Florida; Tippecanoe County, Indiana; Los Alamos County, New Mexico; Park County, Colorado; Churchill County, Nevada; and Coconino County, Arizona. It also adds to the list "high-cost" mortgage limits for Sagadahoc County, Maine; Kent County, Delaware; Glynn County, Georgia; Maury County, Tennessee; Bartholomew County, Indiana; Sandoval County, New Mexico; and Blaine and Bonneville Counties, Idaho. Mortgage limits are adjusted in an area when the Secretary determines that middle- and moderate-income persons have limited housing opportunities because of high-prevailing housing sales prices.

EFFECTIVE DATE: July 31, 1989.

FOR FURTHER INFORMATION CONTACT: For single family: Morris Carter, Director, Single Family Development Division, Room 9270; telephone (202) 755-6720. For manufactured homes: Robert J. Coyle, Director, Title I Insurance Division, Room 9160; telephone (202) 755-6880; 451 Seventh Street, SW., Washington, DC 20410. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The National Housing Act (NHA), 12 U.S.C. (1710-1749), authorizes HUD to insure mortgages for single family residences (from one- to four-family structures), condominiums, manufactured homes, manufactured home lots, and combination manufactured homes and lots. The NHA, as amended by the Housing and Community Development Amendments of 1980 and the Housing and Community Development Amendments of 1981, permits HUD to increase the maximum mortgage limits under most of these programs to reflect regional differences in the cost of housing. In addition, sections 2(b) and 214 of the NHA provide for special high-cost limits for insured mortgages in Alaska, Guam and Hawaii.

On April 7, 1989 (54 FR 14075), the Department published an amendment to the listing of areas elibible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act, and their applicable limits for each area. A correction document to that amendment was published April 25, 1989 (54 FR 16360).

This Document

Today's document increases high-cost mortgage amounts for Rutland County, Vermont; Ulster County, New York; St. Mary's County, Maryland; Albermarle County and the City of Charlottesville, Virginia; Spotsylvania County and the City of Fredericksburg, Virginia; the Miami-Hialeah, Florida PMSA; Monroe County, Florida; Tippecanoe County, Indiana; Los Alamos County, New Mexico; Park County, Colorado; Churchill County, Nevada; and Coconino County, Arizona. It also adds to the list "high-cost" mortgage limits for Sagadahoc County, Maine; Kent County, Delaware; Glynn County, Georgia; Maury County, Tennessee; Bartholomew County, Indiana; Sandoval County, New Mexico; and Blaine and Bonneville Counties, Idaho.

These amendments to the high-cost areas appear in two parts. Part I explains high-cost limits for mortgages insured under Title I of the National Housing Act. Part II lists changes for single family residences insured under section 203(b) or 234(c) of the National Housing Act.

National Housing Act High Cost Mortgage Limits

I. Title I: Method of Computing Limits

A. *Section 2(b)(1)(D). Combination manufactured homes and lot (excluding Alaska, Guam and Hawaii):* To determine the high-cost limit for a combination manufactured home and lot loan, multiply the dollar amount in the "one-family" column of Part II of this list by .80. For example, Rutland County, Vermont has a one-family limit for $97,850. The combination home and lot loan limit for Rutland County is $97,850 × .80 or $78,280.

B. *Section 2(b)(1)(E): Lot only (excluding Alaska, Guam and Hawaii):* To determine the high-cost limit for a lot loan, multiply the dollar amount in the "one-family" column of Part II of this list by .20. For example, Rutland County, Vermont has a one-family limit of $97,850. The lot-only loan limit for Rutland County is $97,850 × .20 or $19,570.

C. *Section 2(b)(2). Alaska, Guam and Hawaii):* The maximum dollar limits for Alaska, Guam and Hawaii may be 140% of the statutory loan limits set out in section 2(b)(1).

Accordingly, the dollar limits for Alaska, Guam and Hawaii are as follows:

1. For manufactured homes: $56,700. (40,500 × 140%).

2. For combination manufactured homes and lots: $75,600. ($54,000 × 140%).

3. For lots only: $18,900. (13,500 × 140%).

II. Title II: Updating of FHA Sections 203(b), 234(c) and 214 Area-Wide Mortgage Limits.

Region I

HUD Field Office—Burlington Office

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Rutland County, VT	$97,850	$110,200	$133,900	$154,500

Region I

HUD Field Office—Bangor Office

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Sagadahoc County, ME	$99,750	$112,350	$136,500	$157,500

Region II

HUD Field Office—Albany Office

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Ulster County, NY	$101,250	$114,000	$138,000	$160,500

Region III

HUD Field Office—Baltimore Office

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
St. Mary's County, MD	$90,250	$101,650	$123,500	$142,500

Region III

HUD Field Office—Richmond Office

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Albermarle County, VA and the City of Charlottesville	$83,600	$94,150	$114,400	$125,400
Spotsylvania County, VA and City of Fredericksburg	$90,150	$101,500	$123,350	$142,350

Region III

HUD Field Office—Wilmington Office

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Kent County, DE	$76,000	$85,600	$104,000	$120,000

Region IV

HUD Field Office—Atlanta Office

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Glynn County, GA	$76,000	$85,600	$104,000	$120,000

Region IV

HUD Field Office—Coral Gables Office

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Miami-Hialeah, FLA PMSA: Dade County, FL	$94,500	$106,450	$129,350	$149,250
Monroe County, FL	$101,250	$114,000	$138,000	$160,500

Region IV

HUD Field Office—Nashville Office

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Maury County, TN	$76,500	$86,150	$104,650	$120,750

Region V

HUD Field Office—Indianapolis Office

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Bartholomew County, IN	$83,800	$94,400	$114,700	$132,350
Tippecanoe County, IN	$79,700	$89,750	$109,050	$125,850

Region VI

HUD Field Office—Albuquerque Office

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Los Alamos County, NM	$101,250	$114,000	$138,000	$160,500
Sandoval County, NM	$72,150	$81,300	$98,750	$113,950

Region VIII

HUD Field Office—Denver County

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Park County, CO	$78,250	$88,150	$107,100	$123,600

Region IX

HUD Field Office—Phoenix Office

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Coconino County, AZ	$89,300	$100,550	$122,200	$141,000

Region IX

HUD Field Office—Reno Office

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Churchill County, NV	$85,500	$96,300	$117,000	$135,000

Region X

HUD Field Office—Boise Office

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Blaine County, ID	$91,200	$102,700	$124,800	$144,000
Bonneville County, ID	$70,300	$79,150	$96,200	$111,000

Dated: July 24, 1989.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 89-17764 Filed 7-28-89; 8:45 am]

BILLING CODE 4210-27-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3602-3]

Approval and Promulgation of Implementation Plans; Alaska

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves amendments to the State Air Quality Control Plan for the State of Alaska as submitted by the Alaska State Department of Environmental Conservation (ADEC) on September 12, 1988. These amendments are to Chapter 52 of the Alaska Administrative Code, Emission Inspection and Maintenance Requirements for Motor Vehicles. EPA is approving these amendments because the changes will improve the operation and efficiency of the vehicle emission program in the State of Alaska.

EFFECTIVE DATE: This action will be effective on September 29, 1989, unless notice is received before August 30, 1989, that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal 30-day comment period on this action.

ADDRESSES: Copies of material submitted to EPA may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Air Programs Branch, Environmental Protection Agency, Docket 10A-88-8, 1200 Sixth Avenue AT-082, Seattle, Washington 98101.

State of Alaska, Department of Environmental Conservation, 3220 Hospital Drive, Juneau, Alaska 99811.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch AT-082, Environmental Protection Agency, 1200 Sixth Avenue (10A-88-8), Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Michael Lidgard, Air Programs Branch AT-082, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-4233, FTS: 399-4233.

SUPPLEMENTARY INFORMATION: The Cities of Anchorage and Fairbanks began their inspection and maintenance (I/M) program on July 1, 1985. This program requires owners of model year 1975 and newer cars and trucks to have their vehicles annually inspected for emission problems, or upon initial registration in the State. EPA solicited public comment on its proposed approval of the Anchorage and Fairbanks programs on March 10, 1986 (51 FR 7961) and March 7, 1986 (51 FR 8203 (3/10/86) and approved these programs on September 15, 1986 (51 FR 32638). As a revision to the State of Alaska Air Quality Control Plan, a new State Regulation 18 AAC Chapter 52 (Emissions Inspection and Maintenance Requirements for Motor vehicles) was approved.

On September 12, 1988, ADEC submitted amendments to its 18 AAC Chapter 52 (Emission Inspection and Maintenance Requirements for Motor Vehicles). The amendments are specifically to four sections of the regulations. They are:

18 AAC 52.010 (Purpose and General Requirements)

(3) *Addition:* Requires owner of registered vehicle to present a valid certificate of inspection before renewing registration.

(3b) *Addition:* The word "nonleased" vehicles with an emission control system must maintain that system is added.

(3d) *Addition:* Requires use of Maintenance Practices for individuals who maintain, repair or service emission control systems.

(3e) *Addition:* Registered owner may register a vehicle or renew a vehicle with the Department of Public Safety only after obtaining a valid certification of inspection.

(3g) *Addition:* Requires temporary residency within the State for more than 90 days to obtain a certificate of inspection for owner's vehicle.

18 AAC 52.020 (Vehicles Subject to This Chapter)

(1) *Addition:* Registration of a vehicle by owner with temporary residency.

18 AAC 52.070 (Waivers)

(5)(A)-(C) *Addition:* Provisions for a vehicle which has been modified to use only natural gas, or a fuel that is principally methane, liquefied petroleum gas or a fuel that is principally propane.

18 AAC 52.900 (Definitions)

(14) *Addition:* Unauthorized modifications means modifications that have not been performed according to a recall campaign or service bulletin "authorized by a vehicle's manufacturer" or "by the State of Alaska Department of Environmental Conservation."

I. EPA Action

Today EPA approves the following revisions to the State of Alaska Air Quality Control Plan since these changes will improve the operational procedures and will not affect the program's effectiveness.

II. Administrative Review

The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any or all of these revisions approved herein, the action on these revisions will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action on those revisions and another will begin a new rulemaking by announcing a proposal of the action on these revisions and establish a comment period.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under 5 U.S.C. section 605(b), I certify that this revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under section 307(b) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 29, 1989. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by Reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and Recordkeeping requirements, Sulfur oxides.

Date: April 21, 1989.

Robert S. Burd,

Acting Regional Administrator.

Note: Incorporation by reference of the Implementation Plan for the State of Alaska was approved by the Director of the Office of Federal Register on July 1, 1982.

Title 40, Chapter I of part 52 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart C—Alaska

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.70 is amended by adding paragraph (c)(15) to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

(15) On September 12, 1988, the State of Alaska Department of Environmental Conservation submitted revisions to AAC 18 Chapter 52 (Emission Inspection and Maintenance Requirements for Motor Vehicles). Those sections amended through June 2, 1988, are: 18 AAC 51.010 [Purpose and General Requirements] (a)(3), (b), (d), (e), and (g); 18 AAC 52.020 [Vehicles Subject to this Chapter] (1); 18 AAC 52.070 [Waivers] (5)(A) through (C); and 18 AAC 52.900 [Definitions] (14).

(i) Incorporation By Reference.

(A) September 12, 1988 letter from the State of Alaska Department of Environmental Conservation to EPA Region 10.

(B) Chapter 52 [Emissions Inspection and Maintenance Requirements for Motor Vehicles] section 52.010 [Purpose and General Requirements (a)(3), (b), (d), (e), and (g); section 52.020 [Vehicles Subject to This Chapter] (1); section 52.070 [Waivers] (5)(A) through (C); and section 52.900 [Definitions] (14) as adopted by the State of Alaska Department of Environmental Conservation on March 10, 1988.

3. Section 52.75 is revised to read as follows:

§ 52.75 Contents of the approved state-submitted implementation plan.

The following sections of the State Air Quality Control Plan (as amended on the dates indicated) have been approved and are part of the current State Implementation Plan:

Volume II: Analysis of Problems, Control Action

Section I. Background

A. Introduction (7/1/82)
B. Air Quality Control Regions (7/1/82)
C. Attainment/Nonattainment Designations (7/1/83)

Section II. State Air Quality Control Program (11/1/83)

Section III. Areawide Pollutant Control Program

A. Statewide Transportation Control Program (6/1/85)
B. Anchorage Transportation Control Program (6/1/85)
B.10.1 through 10.6 Anchorage Air Pollution Curtailment Actions (6/26/87)
C. Fairbanks Transportation Control Program (6/1/85)
C.10.1 through 10.9 Fairbanks Emergency Episode Prevention Plan (6/26/87)
D. Total Suspended Particulate Matter (7/1/82)
E. Ice Fog (7/1/82)
F. Open Burning (10/30/83)
G. Wood Smoke Pollution Control (7/1/83)
H. Lead Pollution Control (7/1/83)

Section IV. Point Source Control Program

A. Summary (10/30/83)
1. Annual Review Report (10/30/83)
B. State Air Quality Regulations (10/30/83)
C. Local Programs (10/30/83)
D. Description of Source Categories and Pollutants
1. Typical Point Sources (10/30/83)
2. Summary of Major Emitting Facilities (10/30/83)
E. Point Source Control
1. Introduction (10/30/83)
F. Facility Review Procedures
1. Who needs a permit? (10/30/83)
2. Standard Application Procedures (10/30/83)
3. PSD Application Procedures (10/30/83)
Preliminary report and meeting (10/30/83)
Pre-construction monitoring (10/30/83)
PSD application format (10/30/83)
4. Nonattainment Application Procedures (10/30/83)
G. Application Review and Permit Development (10/30/83)
1. Application Review (10/30/83)
2. Permit Development Requirements (10/30/83)
Monitoring and Testing Requirements (10/30/83)
Ambient Monitoring (10/30/83)
Continuous Emissions Monitoring (10/30/83)
Source Testing (10/30/83)
3. Prevention of Significant Deterioration Review (10/30/83)
Basis of Program (10/30/83)
PSD Regulations (10/30/83)
PSD Analysis (10/30/83)
4. Nonattainment Area Review (10/30/83)
5. New Source Performance Standards Source Review (10/30/83)
6. Visibility Review (10/30/83)
7. Sources under EPA Review (10/30/83)
H. Permit Issuance Requirements (10/30/83)

Section V. Ambient Air Monitoring

A. Purpose (7/1/82)
B. Completed Air Monitoring Projects (7/1/82)
1. Carbon Monoxide (7/1/82)
2. Nitrogen Oxides (7/1/82)
3. Sulfur Dioxide (7/1/82)
4. Ozone (7/1/82)
5. Total Suspended Particulates (TSP) (7/1/82)
6. Lead (7/1/82)
C. Air Monitoring Network (7/1/82)
1. Network Description (7/1/82)
2. Station Designations (7/1/82)
3. Air Quality Monitoring Procedures (7/1/82)
4. Ambient Sampling for Specific Pollutants (7/1/82)
E. Annual Review (7/1/82)

Volume III. Appendices

Section II. State Air Quality Control Program

II.A. State Air Statutes, except Section 46.03.170 (11/15/83)
State Attorney General Opinions on Legal Authority—(2/29/72, 2/29/80)
Title 18 Environmental Conservation, Chapter 50. Air Quality Control (10/30/83), (6/7/87)
TITLE 18 Environmental Conservation, Chapter 52 Emissions Inspections and Maintenance Requirements for Motor Vehicles (5/19/85), (6/2/88)
II.B. Municipality of Anchorage/Cook Inlet ADEC Agreements (11/15/83)
II.C. Fairbanks North Star Borough Ordinances, except Section 8.04.070/FNSB & ADEC Agreements (11/15/83)

Section III. Areawide Pollutant Control Program

III.B.3–a Anchorage Graphs of Highest and Second Highest CO readings for Each Site (11/15/83)
III.B.5–a Anchorage Traffic Improvements (11/15/83)
III.B.5–b Anchorage Contingency Plan (11/15/83)
III.B.5–c Anchorage Transit Ridership (11/15/83)
III.B.8–a Anchorage Graphs of Projected CO Concentrations for Each Site (11/15/83)
III.G Ordinance of the City and Borough of Juneau (10/6/83)

[FR Doc. 89-17737 Filed 7-28-89; 8:45am]
BILLING CODE 6560-50-M

40 CFR Parts 52 and 81

[FRL-3621-8]

Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Missouri—Approval of Missouri's PM_{10} State Implementation Plan (SIP)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rulemaking takes final action to approve Missouri's PM_{10} SIP. Missouri developed a PM_{10} SIP in response to EPA's 1987 promulgation of a new ambient air quality standard for particulate matter. The new standard includes only those particles nominally smaller than 10 micrometers (PM_{10}). The particulate emission control regulations presently contained in Missouri's approved SIP are not altered by this action because there is a high probability that all areas of the state are presently attaining the PM_{10} air quality standard without additional particulate matter controls.

This rulemaking also redesignates certain areas of Missouri from nonattainment for total suspended particulates (TSP) to unclassifiable.

EFFECTIVE DATE: This action will become effective on September 29,1989 unless notice is received by August 30, 1989 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at:

Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101
Missouri Department of Natural Resources, Air Pollution Control Program, Jefferson State Office Building, 205 Jefferson Street, Jefferson City, Missouri 65101
Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Dewayne E. Durst at (913) 236-2893 (FTS 757-2893).

SUPPLEMENTARY INFORMATION:

Background

On July 1, 1987 (52 FR 24634), EPA promulgated a new National Ambient Air Quality Standard (NAAQS) for particulate matter. The new standard applies only to particles with a nominal aerodynamic diameter of 10 micrometers or less (PM_{10}). The new standard replaces total suspended particulates (TSP) as an ambient air quality standard.

In order for states to regulate PM_{10}, they must make certain changes in their rules and regulations and in the SIPs. The changes to the rules and the SIP must ensure that the PM_{10} NAAQS are attained and maintained; that new and modified sources which emit PM_{10} are reviewed; that PM_{10} is one of the pollutants to trigger alert, warning, and emergency actions; and that the state's monitoring network be designed to include PM_{10} monitors. These changes must be made regardless of the existing levels of PM_{10} in any area of the state.

Where existing TSP and PM_{10} monitoring data indicate there is a high probability that PM_{10} standards are being exceeded in an area, a control strategy is required to show how PM_{10} emissions will be reduced to provide for attainment and maintenance of the PM_{10} NAAQS. This is called a group I area. If the existing data show there is a lower probability that PM_{10} standards are being exceeded in an area, the states are required to commit to perform additional $PM_{10}10$ monitoring in that area and to prepare a control strategy if the data show with certainty that the standards are being exceeded. This is called a group II area. The commitments must be submitted in the form of a SIP revision and are termed a "committal" SIP.

If available particulate matter data indicate the PM_{10} air quality is better than the standards, EPA presumes that the existing SIP is adequate to demonstrate attainment and maintenance of the PM_{10} standards. This is termed a group III area.

The regulations call for the PM_{10} SIPs to be submitted nine months after the federal PM_{10} regulations went into effect on July 31, 1987. However, because of the burdensome administrative requirements for adoption of rules in some states, they were given some flexibility in the scheduling of their PM_{10} SIP submissions.

PM_{10} Attainment Status in Missouri

Based upon existing TSP and PM_{10} air quality data, there are no areas in Missouri where the PM_{10} standards are likely to be exceeded. Thus, the entire state of Missouri has been placed in the group III PM_{10} category. Therefore, based on available data and in accordance with the Clean Air Act and EPA regulations, Missouri must meet the following requirements in order for EPA to approve its SIP for PM_{10}: (1) Adopt acceptable revisions to its preconstruction review rules, (2) revise the emergency episode rules to incorporate PM_{10}, and (3) revise the air quality monitoring plan to provide for sampling of PM_{10} in ambient air.

Missouri's PM_{10} SIP Submittal

Missouri developed its PM_{10} SIP in three separate parts. These were: (1) Revisions to the air quality monitoring plan, (2) revisions to the Missouri rules to incorporate PM_{10} in the following provisions: air quality standards, definitions, reference methods for ambient sampling, permit rules, and emergency episode plans, and (3) a separate narrative SIP revision which explains the entire process for regulating PM_{10} in Missouri. Separate hearings were held for each of the three parts described above. The hearing on the air monitoring plan was held March 17, 1988, and the plan was submitted to EPA on March 29, 1988. The hearing on the amendments to the Missouri administrative rules was held February 18, 1988; the rules became effective April 28, 1988; and they were submitted to EPA on May 12, 1988. The hearing on the narrative plan was held May 19, 1988, and it was submitted to EPA on June 15, 1988.

Review of the Missouri PM_{10} Submittal

The Missouri submittal has been reviewed to determine if it meets the requirements of the Clean Air Act, EPA regulations, and applicable policies. The regulations most pertinent to this rulemaking are found in the July 1, 1987, **Federal Register** (52 FR 24672). The July 1, 1987, regulation is supplemented with EPA policy contained in a PM_{10} SIP Development Guideline (EPA-450/2-86-

001) dated July 1987 with a supplement dated June 1988.

The state of Missouri held three public hearings as described above on the various portions of its PM_{10} SIP submittal. Comments on the proposed rules are summarized and state responses provided in the Missouri Register of April 18, 1988, where the final rule is printed. Certifications that the hearings took place were submitted with each portion of the PM_{10} SIP.

The state resources needed to implement the PM_{10} SIP for Missouri are contained in the annual State/EPA Agreement (SEA) signed by the Director of the Missouri Department of Natural Resources and the Regional Administrator of EPA Region VII. Because there are no group I areas in Missouri, implementation of the PM_{10} SIP will not involve a new control strategy for particulate matter in the state. Rather, it will involve continued enforcement of existing particulate matter emission regulations, review of new sources for PM_{10} and TSP, and operation of air monitoring network composed of both TSP and PM_{10} monitors. All of these activities are covered in the SEA.

Missouri followed legal notice requirements when announcing the public hearings on various portions of the PM_{10} SIP. Local control agencies, adjoining states, EPA, local planning agencies, elected officials, and the public were officially notified of the PM_{10} hearing. No significant new planning requirements are involved in the PM_{10} SIP development or in its implementation in Missouri and, therefore, this revision imposed no new requirements under subpart M of 40 CFR Part 51, Intergovernmental consultation.

Missouri rule 10 CSR 10–6.110 provides the authority to require sources to record and submit information on emissions of air contaminants in order to determine if the sources are in compliance with applicable emission regulations. This rule is presently approved as part of the Missouri SIP. This same rule also requires that emission data collected by the state must be made available to the public. The state also has authority to require installation and maintenance of continuous emission monitoring devices and to require reporting the data it collects in a specified format.

As a basis for implementing the PM_{10} requirements in Missouri, the state adopted PM_{10} as an ambient air quality standard in its rule 10 CSR 10–6.010. The state also adopted by reference EPA regulation 40 CFR Part 50, Appendix J, Reference Method for the Determination as PM_{10} in the Atmosphere, and 40 CFR Part 50, Appendix K, Interpretation of the National Ambient Air Quality Standards for Particulate Matter. State adoption of air quality standards is not a requirement of the Clean Air Act. However, EPA is approving the state's adoption of a PM_{10} ambient air quality standard because it is an integral part of the state's plan to maintain the federal standard.

Missouri revised its definition of particulate matter by adding two subsections, one being TSP and the other particulate matter—10 micron (PM_{10}). The subsection for TSP references 40 CFR Part 50, Appendix B, Reference Method for the Determination of Suspended Particulates in the Atmosphere. The subsection for PM_{10} references 40 CFR Appendix J. Thus, the state has adopted rules which are consistent with EPA's definitions of particulate matter, TSP, and PM_{10}

Missouri did not adopt definitions for particulate matter emissions or PM_{10} emissions. It contends that its rules make a clear distinction between particulate matter and PM_{10} in the ambient air and emissions of these pollutants. After reviewing Missouri rule 10 CSR 10–6.060, Permits Required, and more specifically subsections (1)(A) and (7)(A), and Table 1 of this rule, EPA agrees that major new and modified sources in Missouri must be reviewed for particulate matter emissions and PM_{10} emissions.

The Missouri SIP is presently approved as meeting the requirements of 40 CFR Part 51 for review of new and modified sources. This includes all the requirements of 40 CFR Subpart 51.165, Permit Requirements, and 40 CFR Subpart 51.166, Prevention of Significant Deterioration of Air Quality (PSD).

Missouri revised its rule 10 CSR 10–6.060, Permits Required, by adding TSP emissions and PM_{10} emissions to the list of pollutants which trigger PSD review of major new and modified sources. Missouri requested that all areas of the state which are presently designated nonattainment for TSP be redesignated to unclassified. That redesignation is part of this rulemaking. Therefore, all areas of the state will either be designated as attainment or unclassified for TSP, and the PSD regulations will apply for TSP throughout the state.

The state has exempted sources from preapplication monitoring of PM_{10} and TSP if the projected or existing ambient concentration of those pollutants are less than 10 $\mu g/m^3$, 24-hour average.

Missouri rule 10 CSR 10–6.060(5)(B) requires the installation of best available control technology for particulate matter emissions and PM_{10} emissions on each major source, if the source has the potential to emit significant amounts of those pollutants. The same requirements apply to major modifications if there would be a significant net emission increase at the sources. The significance levels for TSP and PM_{10} are identified in Missouri rule 10 CSR 10–6.060, Subsection (7)(A), Table 1.

Missouri's rule 10 CSR 10–6.060(3)(A)2. allows a permit to be issued to a new or modified source only if the source will not interfere with attainment or maintenance of ambient air quality standards. This provision satisfies the requirements of 40 CFR Part 51.165(b).

Missouri rule 10 CSR 10–6.060(5)(C)3. prohibits major proposed sources and modifications from causing, in conjunction with other applicable emission increases or decreases, an increase in TSP ambient levels above the applicable PSD increments. The increments are contained in state rule 10 CSR 10–6.060(7)(E), Table 5. The table has been revised to clarify that the Class I, II, and III increments apply to TSP. State rule 10 CSR 10–6.060(8)(H)2. has been revised to clarify that the PSD increment for sources impacting federal mandatory Class I areas can receive an air quality increment variance if the TSP increase is consistent with 40 CFR Part 51.166(P)(4). State rule 10 CSR 10–6.060(8)(H)(2) as revised is acceptable.

Missouri rule 10 CSR 10–6.060(5)(C) requires that sources analyze the ambient air quality in the area a new source would impact, and this analysis would include both PM_{10} and TSP matter. This satisfies the requirements of 40 CFR Part 51.155m (i), (ii), and (iii).

Emergency Episode Plans

Missouri revised its rule 10 CSR 10–6.130, Controlling Emissions During Episodes of High Air Pollution Potential, so that the rule is consistent with 40 CFR Part 51, Appendix L. in all respects. There are no group I PM_{10} areas in Missouri, so new contingency plans for emergency episodes have not been developed. The state of Missouri, the city of St. Louis, St. Louis County, and Kansas City developed contingency plans for major sources in their jurisdictions in the early 1970s. These plans require curtailment of activities which emit particulate matter during an episode without regard to the particle size of the material. The plans will now be activated by elevated levels of PM_{10} rather than TSP. Requirements for PM_{10} episode monitoring are contained in Missouri's revised monitoring SIP, which is described below.

Missouri rule 10 CSR 10–6.130 contains provisions which require the Director of the Missouri Air Program to take certain actions at the various episode levels. These actions are consistent with the source curtailment Tables I, II, and III of 40 CFR Part 51, Appendix L. Missouri's PM_{10} emergency episode plan is acceptable.

After reviewing the Missouri PM_{10} SIP submission, it has been determined that it meets all the requirements of the CAA, EPA regulations, and policies and is, therefore, approvable as part of the Missouri SIP. The existing emission control regulations pertaining to particulate matter and visible emissions are not altered by this action, and all such regulations presently contained in Missouri's SIP remain in effect.

EPA Action: Missouri's PM_{10} SIP is approved. Specifically, this action approves revisions to Missouri's rules 10 CSR 10–6.010, Ambient Air Quality Standards; 10 CSR 10–6.020, Definitions; 10 CSR 10–6.040, Reference Methods; 10 CSR 10–6.060, Permits Required, and 10 CSR 10–6.130, Controlling Emissions During Episodes of High Air Pollution Potential. These revisions became effective April 28, 1988.

Redesignation of TSP Nonattainment Areas

The final rulemaking of July 1, 1987 (52 FR 24682), promulgating the PM_{10} standard discussed an area redesignation policy with respect to TSP. The policy encouraged states to request redesignation of TSP nonattainment areas to unclassifiable for TSP at the time they submit their PM_{10} control strategies. The rulemaking stated that when EPA approves the control strategy as sufficient to attain and maintain the PM_{10} NAAQS, the redesignation will also be approved. An area designation for TSP must be retained until EPA promulgates PM_{10} increments, because the PSD increment system for TSP must be utilized until then. The TSP increment system depends on the existence of section 107 designations. Once states have PM_{10} SIPs in place and EPA promulgates PM_{10} increments, the TSP designations can be eliminated. No other regulatory provisions of the Clean Air Act or EPA regulations are any longer tied to the TSP designations, so states are not required to justify their TSP redesignation requests.

Missouri requested that all areas of the state which are presently designated nonattainment for TSP be redesignated to unclassified. This request was contained in section (4)(d) of Missouri's PM_{10} SIP submittal on June 15, 1988. Because there are no group I or group II areas in Missouri, it is presumed that the existing particulate matter SIP is adequate to demonstrate attainment and maintenance of the PM_{10} standards. The state has identified its existing particulate matter SIP in its submission. This is essentially a listing of all state rules for controlling particulate matter. Therefore, the existing SIP is deemed adequate to attain and maintain the PM_{10} air quality standards. Missouri's request to redesignate all TSP nonattainment areas to unclassified is acceptable.

Specifically, there are areas in the city of St. Louis and the city of St. Joseph which are presently designated primary nonattainment for TSP. There are also areas of St. Louis, St. Joseph, and Kansas City which are designated secondary nonattainment for TSP. All of these areas are hereby redesignated to unclassified for TSP. These areas are more specifically identified in 40 CFR Part 81, Subpart C, § 81.326.

EPA Action: EPA approves Missouri's request to redesignate TSP nonattainment areas to unclassifiable.

PM_{10} Monitoring

Missouri's monitoring SIP was originally approved by EPA in September 1984 as meeting the requirements of 40 CFR 58.20. For the most part, the monitoring SIP is generic and does not contain references to any of the criteria pollutants. However, the monitoring SIP was revised to substitute PM_{10} or particulate matter for those instances where TSP was mentioned in the originally approved plan. The revisions made in the Missouri monitoring SIP are acceptable.

EPA Action: EPA approves Missouri's Air Quality Monitoring Plan (revised 1988).

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective September 29, 1989 unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective September 29, 1989.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Under 5 U.S.C. 605(b), I certify that this rulemaking will not have a significant impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, as amended, petitions for judicial review of this action must be filed in the United State Court of Appeals for the appropriate circuit by September 29, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Air pollution control, Incorporation by reference, and Particulate matter.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Note: Incorporation by reference of the State Implementation Plan for the state of Missouri was approved by the Director of the Federal Register on July 1, 1982.

Date: July 11, 1989.

Morris Kay,

Regional Administrator.

PART 52—[AMENDED]

40 CFR Part 52 is amended as follows:

Subpart AA—Missouri

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1320 is amended by adding a new paragraph (c)(66) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(66) The Missouri Department of Natural Resources submitted revisions to its state implementation plan to incorporate PM_{10} on March 29, 1988, May 12, 1988, and June 15, 1988.

(i) Incorporation by reference.

(A) Revisions to the following Missouri air pollution rules:

10 CSR 10–6.010 Ambient Air Quality Standards
10 CSR 10–6.020 Definitions
10 CSR 10–6.040 Reference Methods
10 CSR 10–6.060 Permits Required
10 CSR 10–6.130 Controlling Emissions During Episodes of High Air Pollution Potential

These rules were published in the Missouri Register on April 18, 1988, and became effective April 28, 1988.

(ii) Additional material

(A) A revision to the Missouri Monitoring Plan was submitted March 29, 1988.

(B) A narrative description of the PM_{10} SIP for the state of Missouri was submitted June 15, 1988.

§ 52.1332 [Amended]

3. The table in § 52.1332, Attainment dates for national standards is revised to read as follows:

Air quality control region	Pollutant							
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone	PM_{10}
	Primary	Secondary	Primary	Secondary				
Metropolitan Kansas City Interstate	b	e	d	d	d	5/31/75	b	d
Southwest Missouri Intrastate	a	a	d	d	d	d	d	d
Southeast Missouri Intrastate	d	d	d	d	d	d	d	d
Northern Missouri Intrastate	a	a	d	d	d	d	d	d
Metropolitan St. Louis Interstate	b	e	d	d	d	c	c	d

Note: Sources subject to plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR Part 52 (1978) § 52.1332. Only portions of those AQCRs with attainment dates after July 1975 have new attainment dates under the 1977 Clear Air Act Amendments. The reader is referred to 40 CFR Part 81 for identification of the designated areas under section 107(d) of the Act.

a. July 1975.
b. December 31, 1982.
c. December 31, 1987.
d. Air quality levels presently below secondary standards.
e. Secondary standard attainment date to be determined by secondary attainment plan.

PART 81—[AMENDED]

Part 81 of Chapter I, Title 40

40 CFR Part 81, Chapter C, is amended as follows:

Subpart C—Missouri

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

§ 81.326 [Amended]

2. Section 81.326, Missouri, is amended by revising the first three entries in the status designation table for TSP to read as follows:

MISSOURI—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
St. Louis AQCR (070):				
St. Louis (an area extending west about 2 miles from the Mississippi River, north to near I–270 and south to about 1 mile beyond the city limits			x	
Remainder of the city of St. Louis			x	
Remainder of AQCR				x
Kansas City AQCR (094):				
Kansas City (an area extending approximately from the Kansas state line east along Red Bridge Road and 115th Street to Missouri Highway 291, then north to I–70, east to Missouri Highway 7, north to U.S. Highway 24 west to Missouri Highway 291, north to Missouri Highway 152, west to Missouri Highway 9, south to U.S. Highway FF, and due south to the state line)			x	
St. Joseph: Within city limits			x	

[FR Doc. 89–17736 Filed 7–28–89 8:45 am]
BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

48 CFR Part 303

Procurement Integrity

AGENCY: Office of the Secretary, HHS.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of the Secretary, Department of Health and Human Services is amending its acquisition regulation to implement Procurement Integrity, section 6 of the Office of Federal Procurement Policy (OFPP) Act Amendments of 1988, Pub. L. 100–679 and the Federal Acquisition Regulation (FAR) coverage at FAR 3.104.

DATES: *Effective Date:* July 31, 1989.

Comment Date: Comments must be received by September 14, 1989.

ADDRESS: Any person or organization wishing to submit data, views, or comments pertaining to the interim rule may do so by filing them with Norman Audi, Division of Acquisition Policy, OAGM–OMAC–OASMB, Room 517D, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Norman Audi, (202) 245–0326.

SUPPLEMENTARY INFORMATION:

A. Background

The FAR was amended by FAC 84–47 to implement section 6 of the OFPP Act Amendments of 1988, 54 FR 20488. The FAR was amended on May 23, 1989, 54 FR 22282, to delay the implementation date until July 16, 1989. The Act prohibits certain activities by competing contractors and Government procurement officials during the conduct of a Federal agency procurement. In general, these prohibited activities involve soliciting or discussing post-Government employment, offering or accepting a gratuity, or soliciting or disclosing proprietary or source selection information. The Act also contains certification and disclosure provisions for both contractors and Government officials, imposes post-employment restrictions on Government officials and employees, and provides for criminal, civil, administrative, and contractual penalties for violations of the Act.

This interim rule provides guidance to the Department's managers on internal requirements which are necessary to implement the law and FAR regulation on Procurement Integrity. It also provides the public with the Department's procedures in reviewing and resolving alleged violations of the Act.

B. Determination To Issue Interim Regulation

A determination has been made to issue this regulation as an interim rule. This action is necessary to implement the FAR interim rule for immediate use by Department of Health and Human Services personnel. However, pursuant to Pub. L. 98–577 and FAR 1.501, public comments in response to this interim rule will be considered in formulating a final rule.

C. Regulatory Flexibility Act

This interim rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this interim rule will not have a significant impact on small business entities.

D. Paperwork Reduction Act

This document does not contain information collection requirements which require the approval of the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

The provisions of this interim rule will be issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

List of Subjects in 48 CFR Part 303

Government procurement.

48 CFR Chapter 3 is amended in the manner set forth below.

Dated: July 24, 1989.

Kevin E. Moley,

Assistant Secretary for Management and Budget.

As indicated in the preamble, Chapter 3 of Title 48, Code of Federal Regulations, is amended as shown.

PART 303—[AMENDED]

1. The authority citation for Part 303 continues to read as follows:

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

2. In the table of contents, section 303.104 and sections 303.104–4 through 303.104–12 are added to Subpart 303.1 to read as follows:

Sec.

303.104 Procurement integrity.

303.104–4 Definitions.

(h)(1) "Procurement official" means any individual who has participated personally and substantially in the conduct of a procurement. The following classes of employees may be considered procurement officials depending on the circumstances prevailing in a given case: contracting officers, contract specialists, contract administrators, procurement agents, procurement clerks, cost/price analysts, procurement analysts, clerical support and administrative personnel, auditors, professional staff of the Division of Cost Allocation, acquisition review and approval officials, contract clearance staff, board of award members, supervisory procurement officials, small and disadvantaged business utilization specialists, project officers, project managers, program officials, officials who provide special program clearances and approvals, program managers, technical evaluation panelists, peer reviewers, source selection evaluation board members, source selection advisory council members, source selection authorities, finance officials, and procurement lawyers. Concept peer reviewers are not considered to be procurement officials when participating in project concept reviews pursuant to 42 CFR 52h.10(a). However, concept peer reviewers, or other peer reviewers, who participate in a project approach review are procurement officials. When there is a question whether an individual is a procurement official, the activities of the individual should be analyzed by the contracting officer to determine whether there is both personal and substantial involvement in a procurement. If there is doubt in a particular case, the doubt should be resolved by including the individual as a procurement official. The contracting officer has the authority to decide who is or who is not a procurement official in a particular case. The opinion of the Office of the General Counsel (OGC) should be requested when the contracting officer believes the situation is particularly complex or sensitive. When the contracting officer's decision is disputed by the individual whose status as a procurement official is in question, the matter will be referred to the Principal Official Responsible for Acquisition (PORA) for a final determination.

(k)(1) "Source selection information" includes "derivative documents" which are documents containing references to or directly citing or paraphrasing proprietary or source selection information.

303.104–5 Disclosure of proprietary and source selection information.

(a) The contracting officer or any other individual who prepares, makes or controls proprietary, source selection information, or derivative documents shall—

(1) Ensure documents are marked as prescribed in FAR 3.104–4 (j) and (k);

(2) Provide physical security for documents in the office environment during and after duty hours; and

(3) Ensure security of interoffice mailing of documents by using opaque envelopes, double wrapping with more than one envelope, and sealing of envelopes, as necessary.

(b) Individuals responsible for preparing derivative documents are responsible for marking such documents in accordance with FAR 3.104–5(b).

(c) Only the contracting officer has the authority to authorize individuals, or classes of individuals, access to proprietary or source selection information for each procurement except for paragraph (d) of this section.

(d) The following classes of individuals are authorized blanket access to only that source selection information developed before a request for contract is sent to the contract office,

or to later modifications or supplements to such information—

(1) The generators of the requirements, including program, scientific, and technical experts involved in the development of the statements of work, specifications, evaluation plans, budget estimates, or similar documents;

(2) Reviewing officials; and

(3) Supervisors in the management chain of the individuals listed in paragraphs (d) (1) and (2) of this section. The contracting officer shall inlcude in the contract file names and functions of any other individuals authorized access to proprietary or source selection information.

303.104-6 Restrictions on Government officials, employees, and consultants.

(b) Procurement officials leaving the Department will be required to complete the certification set forth in Chapter 1-90 of the General Administration Manual if that official leaves the Department during the conduct of a procurement expected to result in a contract or modification in excess of $100,000. The administrative officer will forward a copy of the certification to each responsible contracting officer for incorporation into the contract file.

303.104-9 Certification requirements.

(c) The contracting officer shall include the contracting officer certification in the contract file for each contract action over $100,000. Including the certificate in the contract file shall be considered notification to the head of the agency.

(e)(2) The waiver shall be submitted to the Office of Acquisition and Grants Management in the Office of Management and Acquisition, Office of Management and Budget in the Office of the Secretary for review and approval before submission to the head of the agency.

303.104-11 Processing violations or possible violations.

(a)(1) The contracting officer determination that a reported violation or possible violation of the statutory prohibitions has no impact on the impending award or selection of a source must be submitted through channels, along with supporting documentation, to the PORA for review and approval of the determination before award of a contract.

(2) The contracting officer's determination that a reported violation or possible violation of the statutory prohibitions has an impact on the pending award or selection of a source must be referred through channels, along with all related information available, to the PORA (if the PORA is an SES) or to another SES official designated by the OPDIV. That individual will—

(i) Refer the matter immediately to the Office of Acquisition and Grants Management in the Office of Management and Acquisition, Office of Management and Budget, Office of the Secretary for review, which office may consult with the Office of the General Counsel and the Office of the Inspector General, as appropriate; and

(ii) Determine the action to be taken on the procurement in accordance with FAR 3.104-11 (c) and (d).

(b) The individual in paragraph (a)(2) of this section acts as the agency head designee with respect to actions taken under the FAR clause at 52.203-10, Remedies for Illegal or Improper Activity.

303.104-12 Ethics program training requirements.

(a) The Office of Acquisition and Grants Management in the Office of Management and Acquisition (OAGM), Office of Management and Budget in the Office of the Secretary is responsible for developing a training module which can be used by the Department's OPDIVs and Regional offices to train procurement officials. Upon receipt of the module, each OPDIV and Regional Office must train the procurement officials set forth in 303.104-4(h)(1) before they can act as procurement officials.

(b) After the training has been completed, each procurement official must sign the "Procurement Official's Certificate of Procurement Integrity" before he/she can act as a procurement official on any procurement. The certificate shall be submitted to the servicing personnel office, where the certificate will be filed on the left side of the employee's Official Personnel Folder. A copy of the certificate shall be provided to the contract office which shall maintain a list of the procurement officials who have signed the certificates.

(c) Procurement officials who serve multiple contracting offices (such as procurement lawyers) shall submit copies of their certificates to OAGM with the originals being transmitted to their servicing personnel office. OAGM shall maintain a list of such procurement officials and inform cognizant contracting officers upon telephonic request whether particular individuals are included on the list.

[FR Doc. 89-17788 Filed 7-28-89; 8:45 am]
BILLING CODE 4150-04-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 602

[Docket No. 81011-9132]

Guidelines for Fishery Management Plans; Corrections

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; corrections.

SUMMARY: This document corrects some errors in the final rule revising national standard guidelines for fishery management plans published July 24, 1989 (54 FR 30826).

EFFECTIVE DATE: August 23, 1989.

FOR FURTHER INFORMATION CONTACT: Richard H. Schaefer, 301-427-2334.

In rule document 89-17017 beginning on page 30826 in the issue of July 24, 1989, make the following corrections:

§ 602.14 [Corrected]

1. On page 30838, second column, in § 602.14(b)(1), line 2 of that paragraph change "FCZ" to "EEZ".

Appendix A to Subpart B [Corrected]

2. In Appendix A to Subpart B, under Standard 2, page 30843, second column, paragraph (2)(b), line 3, "item (1)" should read "item (a)" and, several paragraphs below, in paragraph (2)(g), line 3, "item (6)" should read "item (f)".

3. Under Standard 3, page 30843, in the first full paragraph of the third column, in lines 7 and lines 10 of that paragraph change "FCZ" to "EEZ".

Dated: July 25, 1989.

James W. Brennan,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 89-17810 File 1 7-28-89; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 54, No. 145
Monday, July 31, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

[TB-89-005]

RIN 0581-AA19

Tobacco; Fees and Charges for Permissive Inspection and Grading

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Tobacco Inspection Act requires the Secretary to fix and collect fees and charges for the voluntary inspection and certification of tobacco upon request. This proposed rule would increase the fees and charges currently in force for permissive grading to reflect increased costs of operating the program. In addition, the fee structure would be revised so that all costs of the service would be charged on an hourly basis. The previous billing fee to users consisted of an hourly rate, to which travel, per diem and administrative costs were added. Under the Act, fees collected must cover, as nearly as practicable, the Department's costs for performing the inspection service, including administrative and supervisory costs. This increase does not affect the fee for the mandatory inspection of tobacco sold at designated auction markets.

DATES: Comments are due on or before August 30, 1989.

ADDRESSES: Send comments to the Director, Tobacco Division, Agricultural Marketing Service (AMS), United States Department of Agriculture (USDA), Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090-6456. Comments will be available for public inspection at this location during regular business hours.

FOR FURTHER INFORMATION CONTACT: Director, Tobacco Division, AMS, USDA, Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090-6456. Telephone (202) 447-2567.

SUPPLEMENTARY INFORMATION: This proposed rule would increase the fees and charges under which permissive tobacco inspection and grading services are provided to those requesting the services. The Tobacco Inspection Act requires that permissive inspections be made available to interested parties on a fee basis sufficient to cover the costs incurred by the Department for the inspection and certification, the establishment of standards, and other services, including administrative and supervisory costs. Authority for these regulations is contained in the Tobacco Inspection Act (7 U.S.C. 511-511q).

The current hourly fee schedule for domestic permissive inspection has been in effect since November 4, 1985, as published in the **Federal Register** (50 FR 45805) on November 4, 1985.

Previously, users of the service were billed the standard hourly rate, plus travel and administrative costs. The new proposed hourly fee would include all of the costs of the program in one rate which would include travel, as well as the costs for salary and administrative services. This fee structure would reduce the time and costs of calculating charges by eliminating the need to pro-rate travel expenses when inspectors perform both mandatory and permissive inspections, or permissive inspections for more than one party, on the same trip. The change would also make users' costs more predictable for each use of the service. Past experience indicates that it is unlikely that costs for any user would be significantly more or less over a season than if travel costs were billed separately.

The Department conducts a yearly review of the financial status of this program to determine whether the fee is sufficient. As a result of this review, it has been determined that the present fees are insufficient to cover the Department's costs. The major factors causing the need for additional funds are increases in Government salaries, travel allowances and administrative costs since 1985. Therefore, the Department is proposing that the base hourly rate of $22.30 be revised to read "hourly rate shall be $29.45," the overtime rate of $26.60 shall be "$35.15," and the Sunday and holiday rate of $33.34 be "$44.05."

This rule has been reviewed under USDA procedures established to implement Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "nonmajor rule" because it does not meet any of the criteria established for major rules under the Executive Order.

Additionally, in conformance with the provisions of Public Law 96-354, the Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. Few of the entities which would be affected by this rule are small businesses. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having gross annual revenues for the last 3 years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. This proposed rule would not substantially affect the normal movement of the commodity in the marketplace. Compliance with this proposed rule would not impose substantial direct economic costs, recordkeeping, or personnel workload changes on small entities, and would not alter the market share or competitive positions of small entities relative to the large entities and would in no way affect normal competition in the marketplace. Furthermore, the Department is required by law to fix and collect fees and charges to cover the Department's cost in operating the tobacco inspection program.

All persons who desire to submit written data, views, or arguments for consideration in connection with this proposal may file them with the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090-6456, not later than August 30, 1989.

List of Subjects in 7 CFR Part 29

Administrative practice and procedure, Tobacco.

Accordingly, the Department proposes to amend the regulations under the

Tobacco Inspection Act contained in 7 CFR Part 29 as follows:

PART 29—TOBACCO INSPECTION

Subpart B—Regulations

1. The authority statement for Subpart B continues to read as follows:

Authority: 7 U.S.C. 511m and 511r.

2. Section 29.123 is amended by revising paragraph (b) to read as follows:

§ 29.123 Fees and charges.

* * * * *

(b) *Domestic permissive inspection and certification.* Fees and charges for inspection at redrying plants and receiving points shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The hourly rate shall be $29.45. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be $35.15. The rate of $44.05 shall be charged for work performed on Sundays and holidays. These same fees or charges shall be applicable for hogshead, bale, case, or sample inspections.

* * * * *

Dated: July 26, 1989.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 89-17795 Filed 7-28-89; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-CE-13-AD]

Airworthiness Directives; Grob Werke GmbH & Company KG (Burkhart Grob) Model Twin Astir, Model Twin Astir Trainer, Model G103 Twin II, Model G103A Twin II Acro Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to adopt a new Airworthiness Directive (AD), applicable to Grob Werke GmbH & Company KG Model Twin Astir, Model Twin Astir Trainer, Model G103 Twin II, Model G103A Twin II Acro Gliders which would require an ultrasonic inspection of both end spar spigots for damage and replacement of these spar spigots as required. This proposal was prompted by discovery of spigot fatigue failure during laboratory special load spectra fatigue tests. The proposed actions will preclude spigot failure and the resultant loss of the glider.

DATES: Comments must be received on or before October 30, 1989.

ADDRESSES: The technical information referenced in this NPRM may be obtained from Grob Systems, Incorporated, Aircraft Division, I-75 and Airport Drive, Bluffton, Ohio 45817; Telephone: (419) 358-9015. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the Federal Aviation Administration, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 89-CE-13-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Heinz Hellebrand, Brussels Aircraft Certification Staff, AEU-100, FAA, c/o American Embassy, 15 Rue de la Loi B1040, Brussels, Belgium. Telephone 793.21.10 extension 2718; or Mr. James S. Kishi, ACE-106, Small Airplane Certification Directorate, FAA, 601 East Twelfth Street, Room 1656, Kansas City, Missouri 64106; Telephone: (816) 426-6933.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. Comments are specifically invited on the overall regulatory, economic, environmental and energy aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 89-CE-13-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

Fatigue tests on a Grob Werke GmbH Twin Astir series glider using a special load spectra, produced spar spigot fatigue failure after approximately 14,000 simulated winch launches. To date, no spar spigots have failed during operation. As a result, Grob Werke GmbH & Co. KG issued service bulletin Technical Information TM 315-36, dated June 23, 1988, which recommends examining the spar spigots by the ultrasonic method and exchanging the spar spigots if required. The Luftfahrt-Bundesamt (LBA), who has the responsibility and authority to maintain the continuing airworthiness of these gliders in the Federal Republic of Germany, has classified Technical Information TM 315-36, dated June 23, 1988, and the actions recommended therein by the manufacturer, as mandatory to assure the continued airworthiness of the affected gliders. On gliders operated under the Federal Republic of Germany registration, this action has the same effect as an AD on gliders certified for operation in the United States. The FAA relies upon the certification of LBA with FAA review of pertinent documentation in finding compliance of the design of these gliders with the applicable United States airworthiness requirements and the airworthiness conformity of products of this type design certificated for operation in the United States. The FAA has examined the available information related to the issuance of Technical Information TM 315-36, dated June 23, 1988, and the mandatory classification of this service bulletin by the LBA. Based on the foregoing, the FAA believes that the condition addressed by the above service information is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Consequently, the proposed AD would require the Model Twin Astir, Model Twin Astir Trainer, Model G103 Twin II and Model G103A Twin II ACRO gliders undergo an ultrasonic method inspection of the spar spigots for damage and exchange the spar spigots with new spigots as required.

The FAA has determined there are approximately 130 gliders affected by the proposed AD. The cost of the ultrasonic method of inspection for spar spigot damage and exchanging the spigots per the proposed AD is estimated to be $1,800 per glider. The total cost is estimated to be $234,000 to the private sector. This cost per glider is less than the threshold significant cost amount for those small entities operating one glider and the FAA has determined, on the basis of the aircraft registration records, that less than five percent of the owners of the affected gliders own more than one of the affected gliders and may incur a cost greater than the significant amount threshold.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Therefore, I certify that this action (1) is not a "major rule" under the provisions of Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the FAR as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

Grob Werke GMBH & Company KG (BURKHART GROB): Applies to Models Twin Astir and Twin Astir Trainer (Serial Numbers (S/N) 3000 through 3291); G103 Twin II (S/N 3501 through 3878, and 33879 through 34078); and G103A Twin II ACRO (S/N 3544 through 34078).

Compliance: Required as indicated after the effective date of this AD, unless already accomplished.

To preclude failure of the wing spar spigots, accomplish the following:

(a) Within the next 500 takeoffs after the effective date of this AD, inspect the wing spar spigots for damage in accordance with the ultrasonic inspection procedures specified in GROB WERKE GmbH Technical Information TM 315-36, dated June 23, 1988.

(1) If damage is found, prior to further flight remove and replace the spigot with a Fail-Safe Spigot using the procedures specified in the above-referenced service information.

(2) If no damage is found, within the next 500 takeoffs remove and replace the spigots with Fail-Safe Spigots using the procedures specified in the above-referenced service information.

Note: Note 5 in the Type Certificate Data Sheet G39EU Burkhart Grob Model G103 Twin Astir, Model G103 Twin II, and Model G103A Twin II Acro, Revision 3, dated April 2, 1984, states:

Major airframe repairs must be accomplished at FAA certified repair stations rated for composite construction of small aircraft, using Grob Werke repair methods for the model of interest, approved by the FAA.

The replacement of the wing spigots is considered major airframe repair.

(b) An equivalent means of compliance with this AD may be used if approved by the Manager, Brussels Aircraft Certification Staff, AEU-100, FAA, c/o American Embassy, 15 Rue de la Loi B1040, Brussels, Belgium.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to Grob Systems, Incorporated, Aircraft Division, I-75 and Airport Drive, Bluffton, Ohio 45817; or may examine these documents at the FAA, Office of the Assistant Chief Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on July 19, 1989.

Don C. Jacobsen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-17766 Filed 7-28-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 88-ASW-24]

Airworthiness Directives; McDonnell Douglas Helicopter Company (MDHC) Model 369D, E, F, and FF Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend an existing airworthiness directive (AD) which requires an initial inspection, a repetitive pilot's preflight check, the removal of damaged parts, and a repetitive inspection of the tail rotor transmission/tail boom extension mounting studs on all McDonnell Douglas Helicopter Company (MDHC) Model 369D, E, F, and FF helicopters. This proposed amendment is needed to alleviate an unduly burdensome check and record-keeping requirement on the pilot and to update reference information.

DATES: Comments must be received on or before September 14, 1989.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, 4400 Blue Mound Road, Fort Worth, Texas 76193-0007, or delivered in duplicate to Room 158, Building 3B, of the Regional Rules Docket at the above address. Comments must be marked: Docket No. 88-ASW-24. Comments may be inspected at the above location in Room 158 between 8 a.m. and 4:30 p.m. Monday through Friday, except Federal holidays.

The applicable service information notices may be obtained from: MDHC Technical Publications, Building 543/D214, McDonnell Douglas Helicopter Company, 5000 E. McDowell Road, Mesa, Arizona 85205-9797; telephone (602) 891-6484, or may be examined in the Regional Rules Docket.

FOR FURTHER INFORMATION CONTACT: Mr. Sol Davis, Aerospace Engineer, Airframe Branch, ANM-123L, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 E. Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5233.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed amendment by submitting such written data, views, or arguments as they desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before

the closing date for comments will be considered by the FAA before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Regional Rules Docket, Federal Aviation Administration, Office of the Assistant Chief Counsel, 4400 Blue Mound Road, Room 158, Building 3B, Fort Worth, Texas 76193–0007, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: Comments to Docket Number 88–ASW–24. The postcard will be date/time stamped and returned to the commenter.

This notice proposes to amend Amendment 39–5964 (53 FR 30023; August 10, 1988), AD 88–17–09, which currently requires a preflight check of the tail rotor transmission installation for security in accordance with MDHC Service Information Notices on MDHC Model 369D, E, F, FF helicopters. After issuing Amendment 39–5964, the FAA has determined that (1) performing the preflight check of the tail rotor transmission installation and recording the entry as required by § 43.9 prior to each flight, has placed an unnecessary burden on the pilot; (2) that properly torqued studs are highly unlikely to loosen significantly in such short periods of time; and (3) less frequent checks are warranted without affecting the level of safety. Therefore, the FAA is proposing to amend Amendment 39–5964 by reducing the frequency of the checks to intervals of 25 hours' time in service on MDHC Model 369D, E, F, FF helicopters.

This notice also proposes to update the address in the incorporation by reference paragraph. The incorporation by reference of MDHC Service Informatin Notice (SIN) DN–151/EN–39/FN–2, dated October 10, 1987, was previously approved by the Director of the Federal Register as of August 10, 1988.

The regulations proposed herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposed rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this proposed regulation is relieving in nature and imposes no additional burden on any person. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.85.

§ 39.13 [Amended]

2. Section 39.13 is amended by amending Amendment 39–5964 (53 FR 30023; August 10, 1988), AD 88–17–09, by revising paragraph (a)(2) and (b)(2); and by revising the address of MDHC in the incorporation by reference paragraph that follows paragraph (d).

McDonnell Douglas Helicopter Company (MDHC) (Hughes Helicopters, Inc.): Applies to Model 369 D, E, F, and FF helicopters, certificated in any category, which have tail rotor transmission/tail boom extension mounting studs Part Number (P/N) MS51992A803–13 or –14 installed. (Docket No. 88–ASW–24)

* * * * *

(a) * * *

(2) Within the next 25 hours' time in service after the effective date of this amended AD, and at intervals not to exceed 25 hours' time in service from the last check, conduct a check for security in accordance with MDHC SIN DN–151/EN–39/FN–28, Part II, paragraph a, dated October 10, 1987. The checks required by this paragraph may be performed by the pilot and must be recorded in accordance with FAR § 43.9.

* * * * *

(b) * * *

(b) Within the next 25 hours' time in service after the effective date of this amended AD, and at intervals not to exceed 25 hours' time in service from the last check, conduct a check of the tail boom extension installation for security in accordance with MDHC SIN DN–151/EN–39/FN–28, Part II, paragraph a, dated October 10, 1987. The checks required by this paragraph may be performed by the pilot and must be recorded in accordance with FAR § 43.9.

These inspections and procedures shall be done in accordance with MDHC Mandatory SIN DN–151/EN–39/FN–28, dated October 10, 1987. These documents may be obtained from MDHC Technical Publications, Building 543/D214, McDonnell Douglas Helicopter Company, 5000 E. McDowell Road, Mesa, Arizona 85205–9797, telephone (602) 891–6484. A copy may also be inspected at the Office of the Assistance Chief Counsel, Federal Aviation Administration, 4400 Blue Mound Road, Room 158, Building 3B, Fort Worth, Texas, or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

Issued in Fort Worth, Texas, on July 19, 1989.

John J. Shapley,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 89–17768 Filed 7–28–89; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 89–ASW–23]

Airworthiness Directives; Tracor Aerospace, Inc., TA–7800 Omega/VLF Navigation Systems Computers With Certain Receiver Processor Units (RPU) Installed in, but Not Limited to, the Following: Boeing Models 707, 727, and 737; McDonnell Douglas MD–80, DC–8, DC–9; Lockheed Models L–382, Jetstar 1329; Beech Model 200; Cessna Model 441; Avions Marcel Dassault Model 50; Piper Model PA–42; Hawker Siddeley Model HS–125; Fairchild Swearingen SA226T(B); North American Rockwell Model NA–265, and General Dynamics Model 22 (Convair 880)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require replacement of certain Tracor Aerospace, Inc., Navigation Systems software on various small and large airplanes. The proposed AD is needed to prevent serious navigation errors which could cause loss of an aircraft.

DATES: Comments must be received on or before September 14, 1989.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Office of the Assistant Chief Counsel, FAA, 4400 Blue Mound Road, Room 158, Building 3B, Fort Worth, Texas 76193–0007, or delivered in duplicate to Room 158 of the Regional Rules Docket at the above address. Comments must be marked: Docket No. 89–ASW–23. Comments may be inspected at the above location in Room 158 between 8 a.m. and 4 p.m. weekdays except Federal holidays.

The applicable service bulletin may be obtained from: Manager, Technical Services, Tracor Aerospace, Inc., 6500 Tracor Lane, Austin, Texas 78725–2070, or may be examined in the Regional Rules Docket.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas S. Donnelly, Federal Aviation Administration, Special Programs Office, ASW–192, Fort Worth, Texs 76193–0190; telephone (817) 624–5189.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. Communications received on or before the closing date for comments will be considered by the FAA before any final action is taken on the proposed rule. The proposal contained in this notice may be changed in light of comments.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. Comments submitted will be available, both before and after the closing date for comments, in the Federal Aviation Administration, Regional Rules Docket, Office of the Assistant Chief Counsel, 4400 Blue Mound Road, Room 158, Building 3B, Fort Worth, TX, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: Comments to Docket Number 89–AWS–23. The postcard will be date/time stamped and returned to the commenter.

The FAA has recently received a report of a DC–8 aircraft being operated by an air carrier experiencing a course deviation by as much as approximately 300 miles to the North while en route to Honolulu from Los Angeles. This navigation error was determined to have been caused by failure of the Tracor Aerospace, Inc., TA–7800 Omega Navigation System software to recognize a weak Great Britain (GBR) radio signal. This software anomaly allowed the system to operate in the Dead Reckoning Mode without the required annunciation to the flightcrew.

Since this condition is likely to exist on other airplanes equipped with the same systems, the proposed AD would require the installation of a placard prohibiting use of the GBR radio station until the defective software can be exchanged on airplanes equipped with Tracor TA–7800 Omega/VLF Navigation Systems incorporating software program 851001 or 851002.

The regulations proposed herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal will not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

The FAA has determined that this proposed regulation only involves 167 airplanes of various types in the world fleet. It is estimated that 150 airplanes of U.S. Registry would be affected by this AD; that it would take approximately 1 manhour per airplane to accomplish the required actions; and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. Operators is estimated to be $6,000. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, would not have a significant economic impact, positive or negative, on a substantial number of small entities under the critiera of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a) 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.85.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Tracor Aerospace, Incorporated: Applies to TA–7800 Omega/VLF Navigation Systems, with receiver processor unit (RPU) Part Numbers (P/N) 138000–7004, –7007, –7017, –7114, –7115, –7117, –7124, –7125, –7127, –7204, –7224, –7227, and –7247 with software program No. 851001 or 851002 installed in, but not limited to, the following airplanes by certain Supplemental Type Certificates (STC): Boeing Models 707, 727, and 737; McDonnell Douglas MD–80, DC–8, Dc–9; Lockheed Models L–382, Jetstar 1329; Beech Model 200; Cessna Model 441; Avions Marcel Dassault Model 50; Piper Model PA–42; Hawker Siddeley Model HS–125; Fairchild Swearingen Sa226T(B); North American Rockwell Model NA–265, and General Dynamics Model 22 (Convair 880). (Docket No. 89–ASW–23)

Compliance required as indicated, unless already accomplished.

To prevent navigation errors when using the Great Britain (GBR) radio station, which could result in loss of the aircraft, accomplish the following:

(a) Within the next 10 hours' time in service, accomplish the following:

(1) Fabricate a placard with the words, "DESELECT 58 PRIOR TO EACH FLIGHT" using letters 0.125 inches high or greater, or use the placard supplied by Tracor Aerospace in Service Bulletin (SB) 138000–00–01, dated January 24, 1989. Mount this placard on the uppermost part of each TA–7800 Omega/VLF Navigation Control Display Unit (CDU).

(2) Thereafter, prior to each flight and until the TA–7800 software Program No. 851001 or 851002 is replaced as described in paragraph (b), deactivate the GVR VLF radio station by deselecting 58 as follows:

(i) Turn the CDU function select switch to the TEST position.

(ii) Press the CLR (clear) function on the data keyboard.

(iii) Key 58 into the left window on CDU.

(iv) Press the ENT (enter) function on the data keyboard.

(v) Press CLR (clear), 0, ENT (enter) functions on the data keyboard.

(vi) Verify the left window on the CDU displays "58 OFF" and the right window displays a single digit and the letter "0."

(b) Within 90 days after the effective date of this AD, remove the Tracor TA-7800 RPU P/N's 138000-7004 -7007, -7017, -7114, -7115, -7117, -7124, -7125, -7127, -7204, -7224, -7227, and -7247 with software program No. 851001 or 851002, and replace with Tracor TA-7800 RPU P/N's 138000-7004, -7007, -7017, -7114, -7115, -7117, -7124, -7125, -7127, -7204, -7224, -7227, and -7247 with software program No. 890201 or 890202 respectively.

(1) Verify the software identification numbers as follows:

(i) Turn the function select switch on the CDU panel to the TEST position.

(ii) Press CLR (clear), 19, ENT (enter) on the data key board.

(iii) Verify program No. 890201 or 890202 in the right hand display of the CDU.

Note: Software program Nos. 890201 and 890202 replace software programs Nos. 851001 and 851002, respectively.

(2) Add the software verification test procedure specified in (b)(1)(iii) above to the Limitations Section of the related FAA approved Airplane Flight Manual Supplement (AFMS). This may be accomplished by inserting a copy of this AD in the AFMS Limitations Section.

(3) After verification of the software specified in (b)(1)(iii) above has been completed satisfactorily, remove and discard the "DESELECT 58 PRIOR TO EACH FLIGHT" placard.

(4) Replace the Tracor TA-7800 pilot guide, publication T7800-3A, Revisions 1 through 5 with Tracor publication T7800-3A, Revision No. 6, dated April 14, 1989, which lists software programs Nos. 890201 and 890202.

Note: A revised pilot guide will be supplied by Tracor and shipped with each reworked receiver processor unit.

(c) In accordance with FAR § 43.9, make a log book entry which shows compliance with this AD.

(d) An alternate means of compliance or adjustment of the compliance time, which provides an equivalent level of safety, may be used when approved by the Manager, Special Programs Office, Aircraft Certification Service, FAA, Southwest Region, Fort Worth, TX 76193-0190.

(e) Special flight permits may be issued in accordance with FAR §§ 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

Issued in Fort Worth, Texas, on July 19, 1989.

John J. Shapley,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 89-17767 Filed 7-28-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-126-AD]

Airworthiness Directives; Aerospatiale Model ATR42 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to all Aerospatiale Model ATR42 series airplanes, which would require installation of an anti-icing advisory system. This proposal is prompted by reports that flight crews have been unaware of the significance of the accretion of ice on the airplane while operating in certain icing conditions. This condition, if not corrected, could lead to loss of control of the airplane.

DATES: Comments must be received no later than August 30, 1989.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 89-NM-126-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. McCracken, Standardization Branch, ANM-113; telephone (206) 431-1979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made; "Comments to Docket Number 89-NM-126-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

There have been several incidents involving partial loss of control due to ice accretion on Aerospatiale Model ATR42 series airplanes operating in icing conditions, including freezing rain. These incidents have been attributable to the crew being unaware of the severity or significance of ice accretion, not following Airplane Flight Manual procedures for operation when in icing conditions, and/or not recognizing the onset of a stall resulting from ice accretion. This condition, if not corrected, could lead to loss of control of the airplane.

Aerospatiale has developed an anti-icing advisory system, comprising an ice detector, stick shaker, a change in the angle of attack at which stall warning occurs, and Airplane Flight Manual changes to reflect higher minimum speeds when operating in icing conditions. The ice detector is an advisory system which provides an annunciation to the flight crew when icing conditions exist. The change in angle of attack for stall warning provides an earlier warning of approaching stall conditions, and the stick shaker provides an improved stall warning awareness.

Aerospatiale has issued Service Bulletins ATR42-27-0021, Revision 8, dated May 2, 1989; ATR42-30-0017, Revision 3, dated January 20, 1989; AT42-30-0018, Revision 4, dated June 14, 1989; ATR42-30-0021, revision 2, dated May 22, 1989; AT42-30-0024, Revision 1, dated February 13, 1989; and ATR42-30-0027, Revision 1, dated February 21, 1989; which describe procedures for

installing and acitivating the anti-icing advisory system and stick shaker, described above.

This airplane model is manufactured in France and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is proposed which would require installation of an anti-icing advisory system in accordance with the service bulletins described above.

It is estimated that 50 airplanes of U.S. registry would be affected by this AD, that it would take approximately 300 manhours per airplane to accomplish the required modification, and that the average labor cost would be $40 per manhour. The cost for parts is estimated to be $45,000 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $2,850,000.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air Transportation, Aircraft, Aviation Safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Aerospatiale: Applies to all Model ATR42 series airplanes, certificated in any category. Compliance required within the next 60 days, after the effective date of this AD, unless previously accomplished.

To improve protection against loss of control when operating in icing conditions, including freezing rain, accomplish the following:

A. Install an anti-icing advisory system in accordance with Aerospatiale Service Bulletins ATR42-27-0021, Revision 8, dated May 2, 1989; ATR42-30-0017, Revision 3, dated January 20, 1989; ATR42-30-0018, Revision 4, dated June 14, 1989; ATR42-30-0021, Revision 2, dated May 22, 1989; ATR42-30-0024, Revision 1, dated February 13, 1989; and ATR42-30-0027, Revision 1, dated February 21, 1989.

B. An alternate means of compliance or adjustment of the compliance time may be used when approved by the Manager, Standardization Branch, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modifications required by this AD.

All persons affected by this directive who have already received the appropriate service documents from the manufacturer may obtain copies upon request to Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or at the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on July 31, 1989.

Darrell M. Pederson, Acting Manager,

Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-17775 Filed 7-28-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-CE-14-AD]

Airworthiness Directives; Beech Models 19A, B19, M19A, 23, A23, A23A, A23-19, A23-24, B23, C23, A24, A24R, B24R Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This Notice proposes to adopt a new Airworthiness Directive (AD), applicable to Beech Models 19A, B19, M19A, 23, A23, A23A, A23-19, A23-24, B23, C23, A24, A24R, and B24R Airplanes, which would require installation of provisions for lubrication and inspection of the aileron push rods. There have been several reports of failure of the aileron push rod forward bearings on Beech Models A23-19, B24R, and C23. This action is necessary to prevent failures of the aileron push rod forward ends and possible loss of aileron control.

DATES: Comments must be received on or before September 19, 1989.

ADDRESSES: Beech Service Bulletin No. 2198, dated April 1989, applicable to this AD may be obtained from Beech Aircraft Corporation, Commercial Service, Department 52, P.O. Box 85, Wichita, KS 67201-0085. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the Federal Aviation Administration, Central Region, Office of the Assistance Chief Counsel, Attention: Rules Docket No. 89-CE-14-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Engler, FAA, Wichita Aircraft Certification Office, ACE-120W, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. Telephone (316) 946-4409.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments

specified above will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. Comments are specifically invited on the overall regulatory, economic, environmental and energy aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 89-CE-14-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

There have been several reports of failure of the aileron push rod forward bearings on Beech Models A23-19, B24R, and C23. There has been one injury accident in which the rod end failed before or during takeoff causing the leading edge of the aileron to deflect downward past full travel. Control of the airplane could not be maintained with the remaining aileron. The probable cause of the rod end failure was the lack of adequate lubrication of the push rod forward bearing due in part to their inaccessible location. Therefore, Beech Service Bulletin Number 2198 provides a kit that adds access provisions to facilitate inspection and lubrication of the aileron push rod forward ends. The Service Bulletin calls for a one-time inspection of the rod ends for corrosion, with replacement as necessary, and lubrication of the rod end bearings. Corrosion is evident by restriction of movement of the rod ends. The Beech 19, 23, and 24 Series Shop Manual has been revised to show this rod end and set forth continuing inspection and lubrication intervals. Since the condition described is likely to exist or develop in other Beech Models of the same design, the proposed AD would require compliance with Beech Service Bulletin No. 2198, dated April 1989 on Beech Models 19A, B19, M19A, 23, A23, A23A, A23-19, A23-24, B23, C23, A24, A24R, and B24R Airplanes.

The FAA has determined there are approximately 3,500 airplanes affected by the proposed AD. The cost of labor and parts in the proposed AD is estimated to be $370 per airplane. The total cost is estimated to be $1,295,000 to the private sector. The cost of this modification will not have a significant economic impact on the private sector.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Therefore, I certify that this action (1) is not a "major rule" under the provisions of Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES".**

List of Subjects in 14 CFR 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the FAR as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new AD:

Beech: Applies to Beech airplanes listed below, certificated in any category:

Models	Serial Nos.
A23-19, 19A, M19A, B19.	MB-1 through MB-816, except MB-814.
23, A23, A23A, B23, C23.	M-1 through M-1879, except M-1875.
A23-24, A24	MA-1 through MA-368.
A24R	MC-2 through MC-150.
B24R	MC-152 through MC-451, except MC-311 and MC-449.

Compliance: Required as indicated after the effective date of this AD, unless already accomplished.

To prevent the possiblity of separation of aileron push rods and resulting loss of aileron control, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) accomplish the following in accordance with Beech Service Bulletin No. 2198, dated April 1989:

(1) Install inspection openings in the wing lower skins.

(2) Inspect the aileron rod ends for corrosion and freedom of movement. If serviceable, lubricate the rod and bearings. If corrosion is evident, prior to further flight replace the rod end with a new P/N 169-380082-3 rod end as specified in the above service bulletin. Corrosion is evident by restriction of movement of the rod ends.

(b) Airplanes may be flown in accordance with FAR 21.197 to a location where the AD may be accomplished.

(c) An equivalent means of compliance with this AD may be used if approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209, Telephone (316) 946-4400.

All persons affected by this directive may obtain copies of the document referred to herein upon request to the Beech Aircraft Corporation, Commercial Service, Department 52, P.O. Box 85, Wichita, Kansas 67201-0085; or may examine this document at the FAA, Office of the Assistant Chief Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on July 20, 1989.

Don C. Jacobsen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-17774 Filed 7-28-89; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 89-NM-125-AD]

Airworthiness Directives; CASA Model C-212 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to CASA Model C-212 series airplanes, which currently requires replacement of certain elevator, rudder, and aileron trim control system rods, levers, links, and tabs. This action would require similar replacement in accordance with a later revision to the service bulletin specified in the existing AD, and would provide

additional time for compliance. This proposal is prompted by reports that the kits and service information previously supplied by the manufacturer could not be utilized on all airplanes. This condition, if not corrected, could result in airframe damage due to flutter.

DATES: Comments must be received no later than September 18, 1989.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 89-NM-125-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Construcciones Aeronauticas S.A. (CASA) Getafe, Madrid, Spain. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. McCracken, Standardization Branch, ANM-113; telephone (206) 431-1979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68996, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 89-NM-125-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On August 25, 1988, the FAA issued AD 87-18-08 R1, Amendment 39-6013 (53 FR 34038; September 2, 1988), applicable to CASA Model C-212 series airplanes, to require replacement of certain elevator, rudder, and aileron trim control system rods, levers, links, and tabs. That action was prompted by a FAA determination that, in the event of certain failures in these control systems, the potential exists for damage to the airframe due to flutter.

Since issuance of that AD, the FAA has determined that the kits and service information previously supplied by the manufacturer, and required by the existing AD, cannot be utilized on all airplanes.

CASA has issued Service Bulletin 212-27-25, Revision 6, dated February 24, 1989, which described procedures for replacement of certain elevator, rudder, and aileron trim control system rods, levers, links and tabs. This service bulletin revision corrects errors in modification instruction and identifies new parts supplied for the accomplishment of the required modification. The Dirección General De Aviación Civil (DGAC), which is the airworthiness authority of Spain, has classified this service bulletin as mandatory, and has issued Spanish Airworthiness Directive 01-89 addressing this subject.

This airplane model is manufactured in Spain and Indonesia and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would supersede AD-87-18-08 R1 with a new airworthiness directive that would require similar replacement in accordance with the revised service bulletin previously described, and would provide additional time for compliance.

It is estimated that 44 airplanes of U.S. registry would be affected by this AD, that it would take approximately 275 manhours per airplane to accomplish the required actions, and the average labor cost would be $40 per manhour. The required parts are estimated to cost $60,000 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,124,000.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that the proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39-6013 (53 FR 34038; September 2, 1988), AD 87-18-08 R1, with the following new airworthiness directive:

CASA: Applies to all Model C-212 series airplanes, certified in any category. Compliance is required within 60 days after the effective date of this AD, unless previously accomplished.

To prevent airframe damage due to flutter caused by certain single failure conditions of the trim control system components, accomplish the following:

A. Replace elevator, rudder, and aileron trim control system components, in accordance CASA Service Bulletin 212-27-25, Revision 6, dated February 24, 1989.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may

be used when approved by the Manager, Standardization Branch ANM-113, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment, and then send it to the Manager, Standardization Branch, ANM-113.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Construcciones Aeronauticas S.A. (CASA) Getafe, Madrid, Spain. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on July 19, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-17780 Filed 7-28-89; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 89-NM-98-AD]

Airworthiness Directives; Honeywell Attitude and Heading Reference System AH-600, as Installed in, but Not Limited to de Havilland Model DHC-8, British Aerospace Model BAe 125-800, Cessna Model 650, and Aerospatiale Model ATR42-300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to Honeywell Attitude and Heading Reference Systems (AHRS), with certain Honeywell Attitude and Heading Reference Units (AHRU) installed, which currently requires installation of modified AHRU's in the pilot's system. This action would require installation of modified AHRU's in the pilot's, copilot's, and any auxiliary system. This proposal is promoted by the determination that defective AHRU's may be installed in the pilot, copilot's, and auxiliary AHRU's. This condition, if not corrected, could result in the loss of attitude and heading display to the pilot and copilot.

DATES: Comments must be received no later than September 18, 1989.

ADDRESSES: Send comments on the proposal, in duplicate, to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 89-NM-98-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Honeywell Inc., Sperry Commercial Flight Systems Group, Business and Commuter Aviation Systems Division, 5353 West Bell Road, Glendale, Arizona 85308. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Robert T. Razzeto, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5355.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing FAA to acknowledge the receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 89-NM-98-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On December 9, 1988, the FAA issued AD 88-26-05, Amendment 39-6093 (53 FR 51094; December 20, 1988), to require installation of modified AHRU's in the pilot's AHRS system on certain transport category airplanes. That action was prompted by reports of dual, simultaneous failures of AH-600 AHRS. This condition, if not corrected, could result in loss of attitude and heading displays for both pilots, and possible loss of control of the airplane.

Since issuance of that AD, the FAA has determined that all AHRU's, Part Numbers 7003360-931, -932, -933, -934, -935, and -936, Serial Numbers 0100 through 0277, without Mod Level F, regardless of position installation on the airplane, are subject to the same problem addressed in the existing AD and must be removed from service to avoid the possibility of reinstallation of these units, which may result in loss of AHRS display to either pilot.

The FAA has reviewed and approved Honeywell Service Bulletin 7003360-34-32, dated August 2, 1988, which describes procedures for modification of circuit card assemblies to prevent false gyro speed failure flag indications during abnormal DC power surges.

Since this condition is likely to exist or develop on other airplanes of this same type design, a new AD is proposed which would supersede AD 88-26-05, to require installation of modified AHRU's in the pilot's, copilot's, and any auxiliary system, in accordance with the service bulletin previously described.

There are approximately 117 airplanes of the affected design in the worldwide fleet. It is estimated that 60 airplanes of U.S. registry would be affected by this AD, that it would take approximately 8 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Required modification parts will be supplied by Honeywell at no charge to operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $19,200.

The regulations proposed therein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For these reasons discussed above, I certify that this proposed regulation (1)

is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures [44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air Transportation, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) [Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding AD 88–26–05, Amendment 39–6093 (53 FR 51094; December 20, 1988), with the following new airworthiness directive:

Honeywell, Inc., Sperry Commercial Flight Systems Group, Business and Commuter Aviation Systems Division (Sperry Corporation): Applies to Honeywell AH–600 Attitude and Heading Reference System (AHRS) Strapdown Attitude and Heading Reference Unit (AHRU), Part Numbers 7003360–931, –932, –933, –934, –935, and –936, with Serial Numbers 0100 through 0277. Compliance is required as indicated, unless previously accomplished.

Note: These systems are known to be installed in, but not limited to, de Havilland Model DHC–6, British Aerospace (Commerical Aircraft) Limited Model BAe 125–800, Cessna Model 650, and Aerospatiale Model ATR42–300 series airplanes.

To eliminate the possibilty of the primary atitude and heading displays on both sides of the instrument panel failing simultaneously, accomplish the following:

A. Within 10 days after January 9, 1989 (the effective date of Amendment 39–6093), inspect airplanes with Honeywell AH–600 AHRS installed to determine the part number, serial number, and Mod Level of the strapdown AHRU installed in the pilot's (Number 1) AHRS. Prior to further flight after inspection, remove all AHRU Part Numbers 7003360–931, –932, –933, –934, –935, and –936, with Serial Numbers 0100 through 0277, without Mod Level "F", from service in the pilot's (Number 1) AHRS. Install the same part number wtih Mod Level "F" incorporated, or modify the AHRU in accordance with Honeywell Inc., Service Bulletin 7003360–34–32, dated August 2, 1988.

Note: Serial numbers of the strapdown AHRU are eight digit numbers; the first four are date code and the last four are the individual unit identifier. Serial numbers referred to in this AD are the last four numbers of the serial number.

B. Within 60 calendar days after the effective date of this amendment, inspect airplanes with the Honeywell AH–600 AHRS installed to determine the part number, serial number, and Mod Level of the strapdown AHRU installed in the copilot's (Number 2) AHRS and the auxiliary (Number 3) AHRS. Within 345 days after the inspection, remove all AHRU Part Numbers 7003360–931, –932, –933, –934, –935, and –936, with Serial Numbers 0100 through 0277, without Mod Level "F", from service in the copilot's (Number 2) AHRS and the auxiliary (Number 3) AHRS. Install the same part number with Mod level "F" incorprorated, or modify the AHRU in accordance with Honeywell Inc., Service Bulletin 7003360–34–32, dated August 2, 1988.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Honeywell, Inc., Sperry Commercial Flight Sytems Group, Business and Commuter Aviation Systems Divison, 5353 West Bell Road, Glendale, Arizona 85308. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

Issued in Seattle, Washington, on July 19, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certificate Service.

[FR Doc. 89–17778 Filed 7–28–89; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Parts 43, 65 and 1451

[Docket No. 25965]

Repair Station and Repairmen Certification Rules; Regulatory Review; Meetings; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of insertion of docket number.

SUMMARY: The FAA is correcting errors that appeared in the **Federal Register** on July 24, 1989, 54 FR 30866, under "Participation at a meeting", in the third column of the preamble, the Docket No. 25965 should have occurred in two different places but was omitted. Please correct the document so the Docket number will read "25965".

FOR FURTHER INFORMATION CONTACT: Barbara Crawford, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; Telephone (202) 267–3780.

Michael Triplett,

Program Management Staff.

[FR Doc. 89–17772 Filed 7–28–89; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 89–ASO–31]

Proposed Amendment To Control Zone; Fayetteville, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to amend the Fayetteville, NC, control zone from full-time to part-time. Weather reporting service is conducted by FAA Airport Traffic Control Tower (ATCT) personnel. Currently, the ATCT is not staffed during the period 0000 to 0600 local time. This amendment would allow the control zone to be effective during the specific dates and times established by Notice to Airman (NOTAM) and thereafter as published in the Airport/Facility Directory. Also, the airport name would be changed from Fayetteville Municipal Airport (Grannis Field) to Fayetteville Regional/Grannis Field Airport and a minor correction would be made in the airport geographic position coordinates.

DATE: Comments must be received on or before September 11, 1989.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO–530,

Manager, Airspace and Procedures Branch, Docket No. 89–ASO–31, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in devloping reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 89–ASO–31." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the operating hours of the Fayetteville, NC, control zone. Weather reporting service is conducted by FAA Airport Traffic Control Tower personnel. Currently, the control tower is not staffed between midnight and 6 a.m. local time. This amendment would allow the control zone to be effective during the specific dates and times established in advance by NOTAM and thereafter as published in Airport/Facility Directory. Additionally, the airport name would be changed from Fayetteville Municipal Airport (Grannis Field) to Fayetteville Regional/Grannis Field Airport and a minor correction would be made in airport geographic position coordinates. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6E dated January 3, 1989.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zone.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Fayetteville, NC [Amended]

Change the phrase, "Within a five-mile radius of Fayetteville Municipal Airport (Grannis Field) (latitude 34°59'22"N, longitude 78°52'52"W)" to read, "Within a five-mile radius of Fayetteville Regional/Grannis Field Airport (latitude 34°59'29"N, longitude 78°52'49"W)" and add the following sentences at the end of the existing description, "This control zone is effective during the specific dates and times established in advance by Notice to Airman. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory."

Issued in East Point, Georgia, on July 18, 1989.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 89–17771 Filed 7–28–89; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 307

Regulations Under the Comprehensive Smokeless Tobacco Health Education Act of 1986

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: On November 4, 1986, pursuant to the Comprehensive Smokeless Tobacco Health Education Act of 1986 ("Smokeless Tobacco Act" or "Act"), the Federal Trade Commission ("Commission") issued final regulations (51 FR 40003 (1986)). Among other things, the regulations implemented the Act's requirements for the display of health warnings in the labeling and advertising of smokeless tobacco products and for the submission of plans specifying the method used to rotate, display, and distribute the mandated health warnings. The regulations, which took effect on February 27, 1987, exempted "utilitarian objects for personal use, such as pens, pencils, clothing, or sporting goods"

from the Act's requirement that advertising for smokeless tobacco products bear warning labels. This exemption was challenged in court. Pursuant to a court order entered in that proceeding, the Commission is deleting the exemption for utilitarian items from its regulation, and proposing a method for displaying the required health warnings on utilitarian objects.

All persons are hereby given notice of the opportunity to submit written data, views, and arguments concerning this proposal.

DATES: Written comments will be accepted on or before August 30, 1989.

Comments on this request for OMB review must be submitted on or before August 30, 1989.

ADDRESS: Send comments to Secretary, Federal Trade Commission, 6th & Pennsylvania Ave., NW., Washington, DC 20580. Submissions should be marked "Proposed Amendments to Smokeless Tobacco Regulations."

Send comments (concerning paperwork matters only) to Mr. Don Arbuckle, FTC Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503. Copies of the request for OMB review may be obtained from the Public Reference Section, Room 130, Federal Trade Commission, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Anne V. Maher (202) 326–2987. Division of Advertising Practices, Federal Trade Commission, 6th & Pennsylvania Ave. NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Section A—Background

The Smokeless Tobacco Act is to educate the public about the adverse health effects entailed in smokeless tobacco use. To achieve this end, the Act requires the random display of three health warnings on the packaging and in the advertising of smokeless tobacco products.

Specifically, the Smokeless Tobacco Act mandates that one of the following three health warnings appear in the labeling and advertising (with the exception of outdoor billboard advertising) of smokeless tobacco products:

WARNING: THIS PRODUCT MAY CAUSE MOUTH CANCER

WARNING: THIS PRODUCT MAY CAUSE GUM DISEASE AND TOOTH LOSS

WARNING: THIS PRODUCT IS NOT A SAFE ALTERNATIVE TO CIGARETTES

The Act also provides that the warnings be displayed in a conspicuous and prominent place, in conspicuous and legible type in contrast with all other printed material. The Act specifies a circle and arrow format for the warning statement in advertising, and directs the Commission to issue regulations requiring the three warnings to be rotated in advertising every 4 months. In addition, the Act requires the marketers of smokeless tobacco products to submit to the Commission for approval plans for complying with the display requirements.

In its final regulations implementing the Smokeless Tobacco Act, 16 CFR Part 307, the Commission exempted "utilitarian objects for personal use, such as pens, pencils, clothing and sporting goods" from the Act's requirement that all advertising display the warnings. These objects display the manufacturers' brandnames and logos, and sometimes brief selling messages; are either sold or given to consumers for their personal use; and include such items as clothing, sporting goods, cuspidors, towels, blankets, and furniture.

The Commission s decision to exempt utilitarian items was challenged in court on the ground that the Act did not grant the Commission authority to exempt such items from the Act's warning requirements. Subsequently, the court ordered the Commission to delete the exemption.[1] As a result, the Commission is hereby issuing notice of its intention to delete the exemption for utilitarian items, and seeking comment on its amendment to the regulation. In addition to deleting the utilitarian item exemption, the amendment proposes a method for manufacturers to display the mandated warnings on such items.

Section B discusses the proposed amended regulations under the Smokeless Tobacco Act to implement the court's decision.

Section B—Discussion of the Proposed Amendments to the Regulations

Amendment to Rule 3 (16 CFR 307.3) to Include Definition of "Utilitarian Objects"

Section 307.3 contains the definitions of the terms used in the regulation. Section 307.3 is amended to add subsection (n), a definition for utilitarian objects as "items that are sold or given by any manufacturer, packager or importer to consumers for their personal use, that display the brandname, logo, or selling message of any smokeless tobacco product. Such items include, but are not limited to, clothing, sporting goods, towels, cuspidors, and furniture."

Deletion of Exemption in Rule 4 (16 CFR 307.4) for Utilitarian Objects

Section 307.4 currently sets forth the acts that are prohibited by the regulations. The next to last sentence of subsection (b) provides that utilitarian objects are exempted from the warning requirement. The proposed amended rule deletes that sentence.

Redesignation of Rules 9, 10 and 11 (16 CFR 307.9, 307.10 and 307.11) as Rules 10, 11 and 12.

Because a new section is inserted in the regulation in order to set forth the requirements for disclosing the health warnings on utilitarian items, the three final sections of the regulations must be renumbered.

Amendment through New Rule 9 (16 CFR 307.9), Entitled, "Requirements For Disclosure on Utilitarian Object Advertising."

A new section is proposed to set out the requirements for displaying the health warnings on utilitarian items. Proposed § 307.9 is divided into three subsections, each one containing a separate requirement for the display of warnings on utilitarian objects. Subsection (a) tracks the requirements for disclosure in print advertising by mandating that the warning be in the circle and arrow format in the same proportions as set forth in the existing § 307.7(b), and by requiring the warning to be in a clear and legible type in contrast with the surrounding printed material.

In addition, proposed subsection (a) provides that the warning statement should follow the existing §§ 307.7 (c) and (d) which set forth the requirements for a conspicuous warning in print ads. Those sections allow for two alternative means of ensuring the conspicuousness of the warnings in print ads; the proposed amended regulation also allows for use of either alternative as the means for ensuring that the warning is conspicuous on utilitarian items.

Under the first alternative (existing § 307.7(c)), the warning statement and the rule must be printed in a color that contrasts with the background on which the circle and arrow are printed and, in addition, the color of the field within the circle and arrow must contrast with the background of the advertisement on which they appear. Under the second alternative (existing § 307.7 (d)), the warning statement and the rule must

[1] *Public Citizen, et al. v. Federal Trade Commission*, No. 88–5209; (DC Cir. March 14, 1989), *aff'g.*, 688 F. Supp. 667 (1988).

appear in a clearly visible color against a solid but not necessarily different background. This alternative would cover the situation where the warning is placed as a transparency directly onto the ad. In this second alternative, however, because there is no contrast to draw the reader's eye to the warning, the regulation specifies a warning approximately 30 percent larger than the warnings with contrasting backgrounds. Also, proposed § 307.9(a) includes the proviso that in no case must the warning size exceed the size of the largest print on the object. For example, if a brandname appears in one inch print size over the pocket of a polo shirt, and there are no other words or logos on the shirt, the print size of the warning would not have to be bigger than the name, even though the display area of the ad would otherwise dictate that the warning be larger.

Given the many different types and shapes of utilitarian objects, the Commission will not attempt to specify what constitutes the advertising display area on a utilitarian object. Instead, the display area is more broadly defined as the visible area on the object surrounding the brandname, logo or selling message. For example, the display area on a tee shirt is the front or back area of the shirt, excluding any sleeves; and, for a baseball cap, the display area would be the conical area of the cap, excluding the brim. The display area for a cuspidor would be that of the bowl area, excluding any lip or rim. For other objects, the size of the display area may be difficult to discern and the Commission will take this into account in determining whether a warning statement is conspicuous within the meaning of the Smokeless Tobacco Act and these regulations. In applying this provision, the Commission expects calculations of the advertising display area to be made in good faith. The Commission is particularly interested in receiving comments on what constitutes the advertising display area on a utilitarian object for purposes of determining the size of the warning statement.

Subsection (b) requires that the warning must be affixed to the object with the same permanence and durability as all other graphic matter on the object. This requirement takes into account the fact that the warning may be affixed in a variety of ways—e.g., printed, embroidered, embossed, engraved, etc.—depending upon the material of the utilitarian object—e.g., plastic, glass, wood, cloth, metal, etc. This requirement seeks to assure that the warning will last at least as long as the advertising on the utilitarian object.

Subsection (c) requires that the warning is placed in a conspicuous and prominent location on the object. A conspicuous and prominent location is defined as one that is proximate to and on the same surface as the smokeless tobacco brandname, logo or selling message, whichever is the most conspicuous, and one that is visible when the brandname, logo or selling message is visible. Thus, if an object has more than one surface, the warning must appear on each surface that the brandname, logo or selling message appears. Furthermore, the warning must be placed so that it is visible when the brandname, logo or selling message is visible. In determining which material is the most conspicuous for purposes of determining placement of the warning, the Commission expects the smokeless tobacco companies to use a common sense approach.

Amendment to Redesignated Rule 12(b) (16 CFR 307.12(b))

As explained above, the Commission proposes to redesignate § 307.11 as § 307.12. This section describes the requirements for the rotation, display and dissemination of warning statements in smokeless tobacco advertising. Subsection (a) first reiterates the substance of section (3)(c)(2) of the Smokeless Tobacco Act that requires smokeless tobacco companies to rotate the 3 warnings every 4 months for each brand. Subsection (a) expressly provides that any plan may take into account practical constraints on the production and distribution of advertising.

Subsection (b) provides a non-exclusive list of the ways that plans may satisfy the Smokeless Tobacco Act, and emphasizes that there may be more than one method of compliance. Subsection (c) requires the submission to the Commission of samples of advertising as part of the company's compliance plan. The Commission proposes to amend subsection (b) to provide that a satisfactory plan for utilitarian items could provide for rotation according to the date that the object is either manufactured or ordered. The Commission is interested in receiving comments regarding appropriate methods to ensure that the warnings are rotated on utilitarian items in accordance with the Act and these regulations.

Section C—Invitation to Comment

Before adopting these proposed amended regulations as final, consideration will be given to any written comments timely submitted to the Secretary of the Commission. Comments will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552) and Commission Regulations, on normal business days between the hours of 8:30 a.m. to 5:00 p.m. at the Public Reference Section, Room 130, Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, DC 20580.

Section D—Paperwork Reduction

The proposed deletion of the exemption for utilitarian items will not affect the information collection requirements (as defined by the rules implementing the Paperwork Reduction Act) contained in the smokeless tobacco regulations. The required rotational warning disclosures are the "public disclosure of information originally supplied by the Federal government to the recipient for th[at] purpose," and are, therefore, not within the scope of the Paperwork Reduction Act. 5 CFR 1320.7(c)(2) (1988). The Commission is proposing an amendment to the reporting requirement (redesignated § 307.12) in order to give guidance on options for rotating the warnings on utilitarian items. This provision does involve the "collection of information" as defined by 5 CFR 1320.7(c)(1) (1988).

The original requirement for the submission of plans by marketers of smokeless tobacco products was submitted to, and approved by, the Office of Management and Budget. OMB Control No. 3084–0082. The Commission is requesting that OMB approve the amended requirement and extend the current clearance accordingly. The supporting statement accompanying that request recommends that the current burden estimate of 2000 hours be continued. Some fourteen firms will be submitting amended plans under the rule. These plans will require an average of less than 140 hours each to prepare.

Section E—Regulatory Flexibility Act

When the smokeless tobacco regulations were first proposed, the FTC certified that the Regulatory Flexibility Act requirement for regulatory analysis was not applicable because the regulations did not appear to have a significant economic impact on a substantial number of small entities. 51 FR 24378 (1986). The proposed amendments do not change the regulations in a manner sufficient to alter that determination. In order to ensure, however, that no substantial economic impact is being overlooked, public comment is requested on the effect of the proposed regulations on

costs, profitability, competitiveness, and employment in small entities. Subsequent to the receipt of public comments, it will be decided whether the preparation of a final regulatory flexibility analysis is warranted.

In light of the above, it is certified that the proposed amendments will not have a significant economic effect on a substantial number of small entities. 5 USC 605(b) (1982). A certification to that effect has been filed with the Small Business Administration.

Section F—Effective Date

The provisions of the Smokeless Tobacco Act that required the display of health warnings in the labeling and advertising of smokeless tobacco products became effective on February 27, 1987, and the portions of the regulation that concerned the submission of plans for the rotation, display and distribution of the warning statements became effective on December 19, 1986. The effective date for these regulations, which implement the display requirements on utilitarian objects will be the date the final rule is published.

Section G—Questions

The Commission is seeking comments on aspects of the proposed amendments to the regulations. Without limiting the scope of issues on which it is seeking comment, the Commission is particularly interested in receiving comments on the following questions:

Question 1. Proposed subsection (n) of § 307.3 provides a definition for utilitarian objects as "items that are sold or given by any manufacturer, packager or importer to consumers for their personal use and that display the brandname, logo, or selling message of any smokeless tobacco product, including but not limited to, clothing, sporting goods, towels, pencils, cuspidors, or furniture."

A. Are there objects that smokeless tobacco companies use for promotion purposes that are not covered by the proposed definition?

B. What kinds of objects, excluding all print or audio-visual advertising, are used to promote smokeless tobacco products?

Question 2: Given the many different types and shapes of utilitarian objects, the Commission has not attempted to specify what constitutes the advertising display area on a utilitarian object for purposes of determining the size of the warning statement. Instead, proposed § 307.9(a) broadly defines the display area for an advertisement on a utilitarian object as the visible area on which the brandname, logo or selling message appears. Section 307.9(a) also provides several examples of what constitutes the advertising display area on specific types of utilitarian objects—e.g., tee shirts, caps and cuspidors.

A. Should the regulation attempt to define the advertising display area on a utilitarian object more specifically or narrowly? If so, what, specifically, should the definitions be?

B. Will the proposed definition ensure that the warning statement on utilitarian objects is conspicuous? If not, what specific definitions will provide for greater certainty?

Question 3: The Smokeless Tobacco Act and regulations require smokeless tobacco companies to rotate the three warnings every four months for each brand. The redesignated § 307.12 provides a non-exclusive list of the ways that plans may satisfy the Act, emphasizing that there may be more than one method of compliance, and expressly providing that any plan may take into account practical constraints on the production and distribution of advertising. Subsection (c) requires the submission to the Commission of samples of advertising as part of the company's compliance plan. The Commission proposes to amend subsection (b) of the redesignated § 307.12 to provide that a satisfactory plan include rotation according to the date that the utilitarian object is either manufactured or ordered.

Are there other methods that would be appropriate for companies to utilize in rotating the warnings in accordance with the Act and these regulations?

List of Subjects in 16 CFR Part 307

Health warnings, Smokeless tobacco, Trade Practices.

Accordingly, it is proposed that Part 307 of 16 CFR be amended as follows:

PART 307—REGULATIONS UNDER THE COMPREHENSIVE SMOKELESS TOBACCO HEALTH EDUCATION ACT OF 1986

1. The authority for Part 307 continues to read as follows:

Authority: 15 U.S.C. 4401 *et seq.*

2. Section 307.3 is amended by adding paragraph (n) as follows:

§ 307.3 Terms defined.

* * * * *

(n) "Utilitarian objects" means items that are sold or given by any manufacturer, packager or importer to consumers for their personal use and that display the brandname, logo, or selling message of any smokeless tobacco product. Such items include, but are not limited to, clothing, sporting goods, towels, cuspidors, or furniture.

§ 307.4 [Amended]

3. Section 307.4 is amended by removing the following sentence from paragraph (b): "This requirement does not apply to utilitarian object for personal use, such as pens, pencils, clothing, or sporting goods."

§§ 307.9 through 307.11 [Redesignated as §§ 307.10 through 307.12]

4. Sections 307.9 through 307.11 are redesignated as sections 307.10 through 307.12, respectively.

5. A new § 307.9 is added:

§ 307.9 Requirements for disclosure on utilitarian objects.

(a) In the case of advertisements for smokeless tobacco products on utilitarian objects, the warning statements required by the Act and these regulations must be in a conspicuous and legible type in contrast with all other printed material on the object and must appear within the circle and arrow format. The proportions of the circle and arrow shall be deemed to be conspicuous if in accordance with those set forth in § 307.7(b). The required warning statement shall be deemed to be conspicuous if it conforms to the requirements and proportions as set forth in § 307.7(d). For purposes of determining the size of the warning statement, the display area for an advertisement on a utilitarian object shall be the visible area on which the brandname, logo or selling message appears. For example, the display area for a tee shirt is the entire front or back of the shirt, excluding any sleeves; and, for a baseball cap, the display area would be the conical area of the cap, excluding the brim. The display area for a cuspidor would be that of the bowl area, excluding any lip or rim. However, in no case must the size of the warning statement exceed the size of the largest size type in a display area.

(b) The warning statement required by the Act and these regulations must be printed, embossed, embroidered or otherwise affixed to the utilitarian object with the same permanence and durability as the product name, logo or selling message.

(c) The warning statement required by this Act and these regulations must be in a conspicuous and prominent location on the object. A conspicuous and prominent location on the object is one that is proximate to and on the same surface as the smokeless tobacco brandname, logo or selling message, whichever is the most conspicuous, and

is visible when the brandname, logo or selling message is visible.

6. Section 307.12 is amended by adding the following sentence to paragraph (b) directly before the last sentence of the paragraph:

§ 307.12 Rotation, display, and dissemination of warning statements in smokeless tobacco advertising.

* * * * *

(b) * * * A satisfactory plan for utilitarian objects could provide for rotation according to the date that the object is either manufactured or ordered. * * *

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 89-17702 Filed 7-28-89; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[INTL-74-86]

RIN 1545-AJ74

Untimely Filing of Income Tax Returns by Nonresident Alien Individuals and Foreign Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed Income Tax Regulations relating to denial of deductions and credits to nonresident alien individuals and foreign corporations that do not file true and accurate income tax returns by the time limits set forth in the proposed regulations. These regulations are necessary so that the income tax returns will be filed in a timely manner.

DATES: Written comments and requests for a public hearing must be delivered or mailed by September 29, 1989. The amendments are proposed to be effective for taxable years ending after July 31, 1990.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:CORP:T:R [INTL-74-86], Room 4429, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Richard Chewning of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, (Attn: CC:CORP:T:R) (202-566-6384, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collections of information contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504 (h)). Comments on the collections of information should be sent to the Office of Management and Budget, Paperwork Reduction Project (1545-0089), Washington, DC 20503, with copies to the Internal Revenue Service, Attention: IRS Reports Clearance Officer T:FP, Washington, DC 20224.

The collections of information in these regulations are in §§ 1.874-1 and 1.882-4. This information is required by the Internal Revenue Service to allow it to properly determine the taxable income of and tax owed by nonresident alien individuals and foreign corporations. The likely respondents are nonresident alien individuals and foreign corporations. The burdens on the nonresident alien individuals and foreign corporations are the burdens associated with Forms 1040NR and 1120F.

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 874 and 882 of the Internal Revenue Code.

Explanation of Provisions

Section 871(b) provides that a nonresident alien individual engaged in a trade or business within the United States shall be taxed on taxable income which is effectively connected with the conduct of the trade or business within the United States. Likewise, under section 882(a)(1), a foreign corporation engaged in a trade or business within the United States is taxed on its taxable income effectively connected with the conduct of the trade or business in the United States. In determining the amount of effectively connected taxable income, both the nonresident alien individual and the foreign corporation are allowed to deduct from their effectively connected gross income expenses which are properly allocated and apportioned to that gross income. The nonresident alien individual or the foreign corporation will be entitled to those deductions, as well as to credits, only if that taxpayer files a true and accurate return, in the manner prescribed in subtitle F of the Code, including on the return all the information which may be necessary for the calculation of the deductions and credits. *See* sections 874(a) and 882(c)(2). Since the filing of a timely return is one of the requirements set forth in subtitle F, these regulations provide that otherwise allowable deductions and credits will be allowed only if a return is filed by the time limits as set forth in these regulations.

Under these regulations, whether a return has been filed on a timely basis for purposes of section 874(a) or 882(a)(2) is dependent upon whether the nonresident alien individual or foreign corporation has filed a return for the taxable year immediately preceding the taxable year for which deductions or credits are claimed. If a return was filed for the immediately preceding taxable year, a return for the current taxable year must be filed within one year of the extended due date, as set forth in sections 6072 and 6081, for filing that return. If a return has not been filed for the immediately preceding taxable year, or if the current year is the first year for which a return is required under section 874(a) or 882(c)(2), the current year's return must have been filed no later than the earlier of the date which is one year after the extended due date, as set forth in sections 6072 and 6081, for filing that return or the date the Internal Revenue Service mails a notice informing the taxpayer that a tax return has not been filed and that no deductions or credits may be claimed. The filing deadlines set forth in these regulations may be waived by the District Director, in rare and unusual circumstances if good cause for such waiver, based on the facts and circumstances, is established by the taxpayer.

Drafting Information

The principal author of these regulations is Richard Chewning of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service. However, other personnel from offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final, consideration will be given to any written comments that are submitted (preferably a signed original and eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held

upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is to be held, notice of the time and place will be published in the Federal Register

Special Analyses

It has been determined that these proposed rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Regulatory Flexibility Act (5 U.S.C. Chapter 6) does not apply to these regulations, and, therefore, an initial Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, these regulations will be submitted to the Administrator of the Small Business Administration for comment on their impact on small business. The collections of information contained in this document, for which no substantive change is proposed, are currently approved by the Office of Management and Budget under the Paperwork Reduction Act (OMB Control Nos. 1545–0089 and 1545–0126).

List of Subjects in 26 CFR §§ 1.861–1 through 1.997–1

Income taxes, Aliens, Exports, DISC, Foreign investment in U.S., Foreign tax credit, FSC, Sources of income, United States investments abroad.

Proposed Amendments to the Regulations

Accordingly, the proposed amendments to 26 CFR Part 1 are as follows:

Income Tax Regulations

PART 1—[AMENDED]

Paragraph 1. The authority for Part 1 continues to read in part:

Authority: 26 U.S.C. 7805. * * *

Par. 2. The heading and text for § 1.874–1 are revised to read as follows:

§ 1.874–1 Allowance of deductions and credits to nonresident alien individuals.

(a) *Return required.* A nonresident alien individual shall receive the benefit of the deductions and credits otherwise allowable with respect to the income tax, only if the nonresident alien individual timely files or causes to be filed with the Philadelphia Service Center, in the manner prescribed in subtitle F, a true and accurate return of the total income which is effectively connected with the conduct of the nonresident alien individual's trade or business within the United States. This paragraph shall not be construed, however, to deny the credits provided by sections 31, 33 and 34. In addition, notwithstanding the requirement that a nonresident alien must file a timely return in order to receive the benefit of the deductions and credits otherwise allowable with respect to the income tax, the nonresident alien individual may, for purposes of determining the amount of tax to be withheld under section 1441 from remuneration paid for labor or personal services performed within the United States, receive the benefit of the deduction for personal exemptions provided in section 151, to the extent allowable under section 873(b)(3) and paragraph (c)(3) of § 1.873–1, by filing a claim therefor with the withholding agent. The amount of the deduction for the personal exemptions and the amount of the tax to be withheld under those circumstances shall be determined in accordance with paragraph (e)(2) of § 1.1441–3.

(b) *Filing deadline for return.* (1) As provided in paragraph (a) of this section, for purposes of computing the nonresident alien individual's taxable income for any taxable year, otherwise allowable deductions and credits will be allowed only if a return for that taxable year is filed by the nonresident alien individual on a timely basis. For taxable years of a nonresident alien individual ending after July 31, 1990, whether a return for the current taxable year has been filed on a timely basis is dependent upon whether the nonresident alien individual filed a return for the first preceding taxable year. If a return was filed for the first preceding taxable year, the required return for the current taxable year must be filed within one year of the due date, as extended, as set forth in sections 6072 and 6081, and the regulations under those sections, for filing that return. If no return for the first preceding taxable year has been filed, or if the current taxable year is the first taxable year of the nonresident alien individual, the required return for the current taxable year must have been filed no later than the earlier of the date which is one year after the extended due date, as set forth in sections 6072 and 6081, for filing that return or the date the Internal Revenue Service mails a notice to the nonresident alien individual advising the nonresident alien individual that the current year tax return has not been filed and that no deductions or credits (other than those specified in paragraph (b) of this section) may be claimed by the nonresident alien individual.

(2) The filing deadlines set forth in paragraph (b)(1) of this section may be waived by the District Director, in rare and unusual circumstances if good cause for such waiver, based on the facts and circumstances, is established by the nonresident alien individual.

(3) If a nonresident alien individual conducts limited activities in the United States in a taxable year which the nonresident alien individual determines does not give rise to gross income which is effectively connected with the conduct of a trade or business within the United States as defined in section 871(b) and the regulations under that section, the nonresident alien individual may nonetheless file a return for that taxable year on a timely basis under paragraph (b)(1) of this section and thereby protect the right to receive the benefit of the deductions and credits attributable to that gross income if it is later determined, after the return was filed, that the original determination was incorrect. On that timely filed return, the nonresident alien individual is not required to report any gross income effectively connected with a U.S. trade or business but should attach a statement indicating that the return is being filed for the reason set forth in this paragraph (b)(3). The nonresident alien individual may follow the same procedure if the nonresident alien individual determines initially that he or she has no United States tax liability under the provisions of an applicable income tax treaty. In the event the nonresident alien individual relies on the provisions of an income tax treaty to reduce or eliminate the income subject to taxation, or to reduce the rate of tax to which that income is subject, disclosure may be required pursuant to section 6114.

(c) *Allowed deductions*—(1) *In general.* Except for losses of property located within the United States, charitable contributions and personal exemptions (see section 873(b)), deductions are allowed to a nonresident alien individual only to the extent they are connected with gross income which is effectively connected with the conduct of the nonresident alien individual's trade or business in the United States. See paragraph (a) of this section for requirement that a return be filed.

(2) *Verification.* At the request of the Internal Revenue Service, a nonresident alien individual claiming deductions from gross income which is effectively connected with the conduct of a trade or business in the United States must furnish at the place designated pursuant to § 301.7605–2(a) information sufficient to establish that the nonresident alien individual is entitled to the deductions in the amounts claimed. All information

must be furnished in a form suitable to permit verification of claimed deductions. The Internal Revenue Service may require, as appropriate, that an English translation be provided with any information in a foreign language. If a nonresident alien individual fails to furnish sufficient information, the Internal Revenue Service may in its discretion disallow any claimed deductions in full or in part.

(d) *Return by Internal Revenue Service.* If a nonresident alien individual has various sources of income within the United States, so that from any one source, or from all sources combined, the amount of income shall call for the assessment of a tax greater than that withheld at the source in the case of that individual, and a return of income has not been timely filed by him or on his behalf, the Internal Revenue Service shall:

(1) Cause a return of income to be made,

(2) Include on the return the income described in §§ 1.871–7 or § 1.871–8 of that individual from all sources concerning which it has information, and

(3) Assess the tax.

If the nonresident alien individual is not engaged in a U.S. trade or business and § 1.871–7 is applicable, the tax shall be assessed on the basis of gross income without allowance for deductions or credits (other than the credits provided by sections 31, 33 and 34) and collected from one or more sources of income within the United States. If the nonresident alien individual is engaged in a U.S. trade or business and § 1.871–8 applies, the tax on the income of the nonresident alien individual that is not effectively connected with the conduct of a U.S. trade or business shall be assessed on the basis of gross income, determined in accordance with the rules of § 1.871–7, without allowance for deductions or credits (other than the credits provided by sections 31, 33 and 34) and collected from one or more of the sources of income within the United States. Tax on income that is effectively connected with the conduct of a U.S. trade or business shall be assessed in accordance with either section 1, 55 or 402(e)(1) without allowance for deductions or credits (other than the credits provided by sections 31, 33 and 34) and collected from one or more of the sources of income within the United States.

(e) *Alien resident of Puerto Rico, Guam, American Samoa, or the Northern Mariana Islands.* This section shall not apply to a nonresident alien individual who is a bona fide resident of Puerto Rico, Guam, American Samoa, or the Northern Mariana Islands during the entire taxable year. See section 876 and § 1.876–1.

Par. 3. The heading and text for § 1.882–4 are revised to read as follows:

§ 1.882–4 Allowance of deductions and credits to foreign corporations.

(a) *Foreign corporations*—(1) *In general.* A foreign corporation engaged in a trade or business within the United States is allowed the deductions which are properly allocated and apportioned to the foreign corporation's taxable income which is effectively connected, or treated as effectively connected, with its conduct of a trade or business within the United States. The foreign corporation is entitled to credits which are attributable to that effectively connected taxable income.

(2) *Return necessary.* A foreign corporation shall receive the benefit of the deductions and credits allowed to it with respect to the income tax, only if it timely files or causes to be filed with the Philadelphia Service Center, in the manner prescribed in subtitle F, a true and accurate return of its total taxable income which is effectively connected, or treated as effectively connected, for the taxable year with the conduct of a trade or business in the United States by that corporation. The deductions and credits allowed such a corporation electing under a tax convention to be subject to tax on a net basis shall be obtained by filing a return of income in the manner prescribed in the regulations under the tax convention. In addition, disclosure of the election may be required pursuant to section 6114.

(3) *Filing deadline for return.* (i) As provided in paragraph (a)(2) of this section, for purposes of computing the foreign corporation's taxable income for any taxable year, allowable deductions will be allowed only if a return for that taxable year is filed by the foreign corporation on a timely basis. For taxable years of a foreign corporation ending after July 31, 1990, whether a return for the current taxable year has been filed on a timely basis is dependent upon whether the foreign corporation filed a return for the first preceding taxable year. If a return was filed for the first preceding taxable year, the required return for the current taxable year must be filed within one year of the due date, as extended, as set forth in sections 6072 and 6081 and the regulations under those sections, for filing that return. If no return for the first preceding taxable year has been filed or if the current taxable year is the first taxable year of the foreign corporation, the required return for the current taxable year must have been filed no later than the earlier of the date which is one year after the extended due date, as set forth in sections 6072 and 6081, for filing that return or the date the Internal Revenue Service mails a notice to the foreign corporation advising the corporation that the current year tax return has not been filed and that no deductions or credits may be claimed by the taxpayer.

(ii) The filing deadlines set forth in paragraph (a)(3)(i) of this section may be waived by the District Director, in rare and unusual circumstances if good cause for such waiver, based on the facts and circumstances, is established by the foreign corporation.

(iii) If a foreign corporation conducts limited activities in the United States in a taxable year which the foreign corporation determines does not give rise to gross income which is effectively connected with the conduct of a trade or business within the Unites States as defined in section 871(b) and the regulations under that section, the foreign corporation may nonetheless file a return for that taxable year on a timely basis under paragraph (a)(3)(i) of this section and thereby protect the right to receive the benefit of the deductions and credits attributable to that gross income if it is later determined, after the return was filed, that the original determination was incorrect. On that timely filed return, the foreign corporation is not required to report any gross income effectively connected with a U.S. trade or business but should attach a statement indicating that the return is being filed for the reason set forth in this paragraph (a)(3). The foreign corporation may follow the same procedure if it determines initially that it has no United States tax liability under the provisions of an applicable income tax treaty. In the event the foreign corporation relies on the provisions of an income tax treaty to reduce or eliminate the income subject to taxation, or to reduce the rate of tax, disclosure may be required pursuant to section 6114.

(4) *Return by Internal Revenue Service.* If a foreign corporation has various sources of income within the United States and a return of income has not been timely filed by it or on its behalf, in the manner prescribed by subtitle F, the Internal Revenue Service shall

(i) Cause a return of income to be made,

(ii) Include on the return the income

described in § 1.882–1 of that corporation from all sources concerning which he has information, and

(iii) Assess the tax and collect it from one or more of those sources of income within the United States, without allowance for any deductions or credits.

If the income of the corporation is not effectively connected with the conduct of a U.S. trade or business, the tax will be assessed under § 1.882–1(b)(1) on a gross basis, without allowance for any deduction or credit (other than the credits allowed by sections 33 and 34). If the income is effectively connected with the conduct of a U.S. trade or business, tax will be assessed in accordance with either section 11, 55 or 1201(a) without allowance for any deduction or credit (other than the credits allowed by sections 33 and 34).

(b) *Allowed deductions*—(1) *In general.* Except for charitable contributions and gifts (see section 882 (c)(1)(B)), deductions are allowed to a foreign corporation only to the extent they are connected with gross income which is effectively connected with the conduct of a trade or business in the United States. Deductible expenses (other than interest expense) are properly allocated and apportioned to effectively connected gross income in accordance with the rules of § 1.861–8. For the method of determining the interest deduction allowed to a foreign corporation, see § 1.882–5. See paragraph (a)(2) of this section for requirement that a return be filed.

(2) *Verification.* At the request of the Internal Revenue Service, a foreign corporation claiming deductions from gross income which is effectively connected with the conduct of a trade or business in the United States must furnish at the place designated pursuant to § 301.7605–1(a) information sufficient to establish that the corporation is entitled to the deductions in the amounts claimed. All information must be furnished in a form suitable to permit verification of claimed deductions. The Internal Revenue Service may require, as appropriate, that an English translation be provided with any information in a foreign language. If a foreign corporation fails to furnish sufficient information, the Internal Revenue Service may in its discretion disallow any claimed deductions in full or in part.

Michael J. Murphy,

Acting Commissioner of Internal Revenue.

[FR Doc. 89–17725 Filed 7–28–89; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-3621-9]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Denial

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA or Agency) today is proposing to deny a petition submitted by Bethlehem Steel Corporation (BSC), Lackawanna, New York, to exclude certain solid wastes generated at its facility from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to a delisting petition submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 268, 124, 270, and 271 of Title 40 of the Code of Federal Regulations, and under 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific" basis from the hazardous waste lists. Today's proposed decision is based on an evaluation of waste-specific information provided by the petitioner.

DATES: EPA is requesting public comments on today's proposed decision. Comments will be accepted until September 14, 1989. Comments postmarked after the close of the comment period will be stamped "late".

Any person may request a hearing on this proposed decision by filing a request with Joseph Carra, whose address appears below, by August 15, 1989. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Send three copies of your comments to EPA. Two copies should be sent to the Docket Clerk, Office of Solid Waste (OS–305), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A third copy should be sent to Jim Kent, Variances Section, Assistance Branch, PSPD/OSW (OS–343), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Identify your comments at the top with this regulatory docket number: "F–89–B6DP–FFFFF".

Requests for a hearing should be addressed to Joseph Carra, Director, Permits and State Programs Division, Office of Solid Waste (OS–340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

The RCRA regulatory docket for this proposed rule is located at the U.S. Environmental Protection Agency, 401 M Street, SW., (Room M2427), Washington, DC 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Call (202) 475–9327 for appointments. The public may copy material from any regulatory docket at a cost of $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline, toll free at (800) 424–9346, or at (202) 382–3000. For technical information concerning this notice, contact Linda Cessar, Office of Solid Waste (OS–343), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 475–9828.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

On January 16, 1981, as part of its final and interim final regulations implementing Section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and specific sources. This list has been amended several times, and is published in 40 CFR 261.31 and 261.32. These wastes are listed as hazardous because they typically and frequently exhibit one or more of the characteristics of hazardous wastes identified in Subpart C of Part 261 (*i.e.*, ignitability, corrosivity, reactivity, and extraction procedure (EP) toxicity) or meet the criteria for listing contained in 40 CFR 261.11(a)(2) or (a)(3).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste.

To have their wastes excluded, petitioners must show that wastes generated at their facilities do not meet any of the criteria for which the wastes were listed. See 40 CFR 260.22(a) and the background documents for the listed wastes. In addition, the Hazardous and Solid Waste Amendments (HSWA) of 1984 require the Agency to consider any factors (including additional constituents) other than those for which

the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Accordingly, a petitioner also must demonstrate that the waste does not exhibit any of the hazardous waste characteristics (*i.e.*, ignitability, reactivity, corrosivity, and EP toxicity), and must present sufficient information for the Agency to determine whether the waste contains any other toxicants at hazardous levels. See 40 CFR 260.22(a), 42 U.S.C. 6921(f), and the background documents for the listed wastes. Although wastes which are "delisted" (*i.e.*, excluded) have been evaluated to determine whether or not they exhibit any of the characteristics of hazardous waste, generators remain obligated to determine whether or not their waste remains non-hazardous based on the hazardous waste characteristics.

In addition to wastes listed as hazardous in 40 CFR 261.31 and 261.32, residues from the treatment, storage, or disposal of listed hazardous wastes and mixtures containing hazardous wastes also are eligible for exclusion and remain hazardous wastes until excluded. See 40 CFR 261.3 (c) and (d)(2). The substantive standard for "delisting" a treatment residue or a mixture is the same as previously described for listed wastes.

B. Approach Used to Evaluate This Petition

In making a delisting determination, the Agency evaluates each petitioned waste against the listing criteria and factors cited in 40 CFR 261.11(a)(2) and (a)(3). If the Agency believes that the waste remains hazardous based on the factors for which the waste was originally listed, EPA will propose to deny the petition. If, however, the Agency agrees with the petitioner that the waste is non-hazardous with respect to the original listing criteria, EPA then will evaluate the waste with respect to other factors or criteria, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. The Agency considers whether the waste is acutely toxic, and considers the toxicity of the constituents, the concentration of the constituents in the waste, their tendency to migrate and to bioaccumulate, their persistence in the environment once released from the waste, plausible and specific types of management of the petitioned waste, the quantities of waste generated, and any other additional factors which may characterize the petitioned waste. The Agency is proposing to use such information to identify plausible exposure routes for hazardous constituents present in the waste and to determine the impact the waste has had on human health and the environment.

The Agency also considers the applicability of ground-water monitoring data to its evaluation of delisting petitions. In this case, the Agency determined that, because BSC is seeking a delisting for waste managed on site, ground-water monitoring data collected from the area where the petitioned waste is contained are necessary to determine whether hazardous constituents have migrated to the underlying ground water. Ground-water monitoring data collected from BSC's monitoring wells will help characterize the potential impact (if any) of the unregulated disposal of BSC's waste on human health and the environment.

Finally, the Hazardous and Solid Waste Amendments of 1984 specifically require the Agency to provide notice and an opportunity for comment before granting or denying a final exclusion. Thus, a final decision will not be made until all public comments (including those at requested hearings, if any) on today's proposal are addressed.

II. Disposition of Delisting Petition

A. Bethlehem Steel Corporation, Lackawanna, New York

1. Petition for Exclusion

Bethlehem Steel Corporation (BSC), located in Lackawanna, New York, was engaged in steel- and ironmaking operations prior to 1983. BSC petitioned the Agency to exclude the waste contained in an on-site 0.2 acre treatment pit, presently listed as EPA Hazardous Waste No. K062—"Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332)". The listed constituents for EPA Hazardous Waste No. K062 are hexavalent chromium and lead. The treatment pit contains approximately 6,000 cubic yards of material, including spent pickle liquor (SPL) sludge, excess steelmaking and blast furnace (from ironmaking processes) slags, a small amount of coke fines/ash, and dredgings from a creek which flows through the facility property (Smoke Creek).

Between 1973 and October 1982, BSC used its treatment pit (also referred to by BSC as the spent pickle liquor (SPL) sludge landfill) for the "in-situ" neutralization/stabilization and disposal of its spent pickle liquor wastes. Specifically, BSC poured its spent pickle liquor waste over lime-rich alkaline steelmaking and blast furnace (from ironmaking) slags that had been disposed of in the treatment pit. The resultant SPL sludge (which precipitated within the slag matrix) was generated by the reaction (*i.e.*, neutralization) between the slag and the lime.

BSC's petition requested a determination of whether its treatment pit waste is exempt from hazardous waste regulation under 40 CFR 261.3(c)(2)(ii)(A). Specifically, this exemption includes sludge generated by the lime neutralization of spent pickle liquor (K062) unless the sludge exhibits one or more of the characteristics of hazardous waste. The Agency promulgated this exemption (see 49 FR 23284, June 5, 1984) after determining that lime neutralization of spent pickle liquor, when properly conducted, consistently generates a waste that does not meet the criteria of the original listing. The Agency believes, however, that BSC's lime neutralization of its spent pickle liquor waste did not include many of the treatment steps that are characteristic of the neutralization processes that the Agency identified in developing the K062 exemption. Specifically, BSC's treatment did not ensure uniform and thorough mixing of the spent pickle liquor with the reactive lime. On September 24, 1985, the Agency notified BSC by letter of its determination that the treatment pit waste is not exempt from hazardous waste regulation under 40 CFR 261.3(c)(2)(ii)(A).

BSC's petition also included a request to delist (*i.e.*, exclude) its waste because it does not believe that the waste meets the criteria of the listing. BSC claims that the partially neutralized spent pickle liquor sludge is not hazardous because the constituents of concern are present either in insignificant concentrations or, if present at significant levels, are in an essentially immobile form. BSC also believes that the waste is not hazardous for any other reason (*i.e.*, there are no additional constituents or factors that could cause the waste to be hazardous). The review of this petition included consideration of the original listing criteria, as well as the additional factors required by the Hazardous and Solid Waste Amendments of 1984. See section 222 of the Amendments, 42 U.S.C. 6921(f), and 40 CFR 260.22(d) (2)–(4). Today's proposal to deny this petition for exclusion is the result of the Agency's evaluation of BSC's petition.

2. Background

BSC petitioned the Agency to exclude its waste on June 28, 1985 and subsequently provided additional information. In support of its petition, BSC submitted (1) general descriptions

of its manufacturing process, including schematic diagrams; (2) total constituent data for the EP toxic metals, nickel, cyanide, and sulfide for samples of the petitioned waste; (3) Extraction Procedure (EP) and Oily Waste Extraction Procedure (OWEP) leachate analysis results for the EP toxic metals and nickel for samples of the petitioned waste; (4) EP and OWEP leachate analysis results for cyanide (using distilled water) for samples of the petitioned waste; (5) total oil and grease analyses data for samples of the petitioned waste; and (6) results from characteristics testing for ignitability, corrosivity, and reactivity; and (7) ground-water monitoring data for the unit containing the petitioned waste.

BSC conducted primary metalmaking operations during the period that spent pickle liquor was treated and disposed of in the treatment pit. BSC has since discontinued its steel- and ironmaking operations at the Lackawanna Plant. BSC's steelmaking process involved refining molten iron with oxygen, flux (*i.e.*, dolomite or lime), and alloying materials in a basic oxygen furnace to produce carbon steels. BSC's ironmaking process involved smelting of iron bearing materials (*i.e.*, iron ore, sinter, and scrap) with coke, flux (*i.e.*, dolomite and lime), and preheated air in blast furnaces. As stated previously, slag resulting from both the steel- and ironmaking process was disposed of in BSC's treatment pit.

BSC also generated spent pickle liquor at its cold strip mill continuous pickling facility and bar mill batch pickling facility. The spent pickle liquor wastes were collected in tanks and discharged to the treatment pit in batches using tank trucks. BSC used the treatment pit for the "in-situ" neutralization/stabilization and disposal of its spent pickle liquor wastes. BSC claims that the spent pickle liquor is the only hazardous waste that was disposed of in the treatment pit and that no spent pickle liquor has been treated/disposed of in the treatment pit since October 7, 1982. After October 1982, BSC sent all spent pickle liquor generated at the cold strip facility to an off-site Publicly Owned Treatment Works (POTW) for reuse as a water treatment chemical. In addition, the spent pickle liquor generated at the bar mill was sent off-site for disposal. BSC did not report whether additional solid wastes (other than the steel- and ironmaking slags, coke fines/ash, and creek dredgings) were disposed of in the treatment pit.

For waste management units like BSC's treatment pit, petitioners are normally requested to divide each unit into quadrants and randomly collect five full-depth core samples from each quadrant. The five full-depth core samples are then composited (mixed) by quadrant to produce composite samples. See "Test Methods for Evaluating Solid Wastes: Physical/ Chemical Methods," U.S. EPA, Office of Solid Waste and Emergency Response, Publication SW-846 (third edition), November 1986, and "Petitions to Delist Hazardous Wastes—A Guidance Manual," U.S. EPA, Office of Solid Waste, (EPA/530-SW-85-003), April 1985.

On April 27, 1984, BSC collected one grab sample from the immediate vicinity of the location where spent pickle liquor was most commonly discharged into the treatment pit. In September 1984, BSC collected five core samples that extended the entire vertical depth of the treatment pit (20 feet). One of the samples was collected near the spent pickle liquor discharge location; the remaining four samples were collected in a "star" pattern around the spent pickle liquor discharge location. During sample collection, BSC found that the presence and distribution of SPL sludge was not uniform (vertically and horizontally) throughout the treatment pit. BSC believed that this non-uniform distribution warranted compositing portions of core samples such that the full spectrum of slag/SPL sludge material was characterized. BSC subsequently conducted a visual inspection of the core samples and combined individual sections of the five separate core samples with similar appearance into seven composite samples. BSC believes that the resultant composites account for the varying leaching characteristics of the waste that may exist due to the different quantities of SPL sludge entrapped within the slag matrix. Specifically, three of the seven composite samples represented waste containing a significant amount of SPL sludge (greater than 35 percent); two of the seven composite samples represented waste containing moderate amounts of SPL sludge (between 10 and 35 percent); and two of the seven composite samples represented waste containing trace amounts of SPL sludge (between 0 and 35 percent). While this compositing strategy does not conform to the Agency's standard sampling protocol for waste management units, the Agency believes that the sampling did characterize to some extent the slag/SPL sludge contained in the treatment pit. However, as explained more fully below, the Agency was unable to rely on these samples due to analytical reasons.

BSC analyzed the grab sample collected in April 1984 for the total concentrations (*i.e.*, mass of a particular constituent per mass of waste) of the EP toxic metals, nickel, and cyanide and the extraction procedure (EP) leachate concentrations (*i.e.*, mass of a particular constituent per unit volume of extract) of lead and chromium. In September 1984, BSC analyzed the seven composite samples for the total constituent concentrations of chromium and lead and EP leachate concentrations of the EP toxic metals, nickel, and cyanide.

During May 1985 BSC also re-analyzed four of the seven composite samples for total constituent and EP leachate concentrations of the EP toxic metals and nickel, total constituent concentrations of cyanide and sulfide, and total oil and grease content. On September 24, 1985, the Agency requested BSC to provide OWEP results for the EP toxic metals, nickel, and cyanide on at least four representative samples of the petitioned waste. In this letter, the Agency stated that these analyses could be conducted on samples already collected. In response to the Agency's request, four of seven composite samples were again re-analyzed, during the fall of 1985, for leachable concentrations of the EP toxic metals, nickel, and cyanide using the Oily Waste Extraction Procedure (SW-846, Method 1330). The results from these two analysis rounds in 1985 are of questionable validity because the maximum sample holding times recommended in SW-846 were exceeded. However, for the sake of completeness, the Agency presented the results of all of these analyses in today's proposed denial. The Agency, when it provides guidance to petitioners on sampling and analysis procedures, now requests that samples be analyzed within SW-846 recommended maximum holding times in order for analyses to be considered valid. The Agency, however, did not request BSC to conduct additional analyses because there was sufficient basis to propose denial of the petition without this information.

BSC also submitted ground-water monitoring information collected from wells monitoring the treatment pit in an attempt to demonstrate that waste contained in the unit had not adversely impacted ground-water quality. The ground-water monitoring information submitted by BSC and received from state and EPA Regional authorities included: (1) Well location information; (2) boring logs and well construction details for each well; (3) water levels and water level contour maps; and (4)

results of the analysis of ground-water samples.

3. Agency Analysis

BSC used SW–846 Methods 7060 through 7760 to quantify the total constituent concentrations of the EP toxic metals and nickel in the treatment pit waste. BSC used "Methods for the Chemical Analysis of Water and Wastes" Methods 335.2 and 425, respectively, to quantify total cyanide and sulfide levels in the treatment pit waste. SW–846 Methods 1310 and 1330 (standard EP and OWEP, respectively) were used to determine the leachable concentrations of the EP toxic metals, nickel, and cyanide in the treatment pit waste. Table 1 presents the maximum total constituent, EP leachate, and OWEP leachate concentrations of the EP toxic metals, nickel, cyanide, and sulfide.

TABLE 1.—Maximum Total Constituent and EP/OWEP Leachate Concentrations (ppm) Treatment Pit Waste

Constituents	Total constituent analyses	Leachate analyses	
		EP	OWEP
Arsenic	0.40	0.007	<0.01
Barium	415	0.306	0.38
Cadmium	0.17	0.003	<0.005
Chromium	120	0.003	<0.01
Lead	170	0.014	<0.01
Mercury	0.01	0.0004	<0.0002
Nickel	19.4	0.58	0.59
Selenium	0.11	0.003	0.009
Silver	<0.01	<0.001	<0.01
Cyanide (total)	72.6	—	<0.02
Sulfide	5.7	NA	

<: Denotes that the constituent was not detected at the detection limit specified in the table.
NA: Analysis for leachable concentrations, of sulfide is not necessary because the Agency s level of regulatory concern is based on total constituent concentrations of reactive sulfide.

The detection limits in Table 1 represent the lowest concentrations quantifiable by BSC, when using the appropriate analytical methods to analyze its waste. (Detection limits may vary according to the waste and waste matrix being analyzed, *i.e.*, the "cleanliness" of waste matrices varies and "dirty" waste matrices may cause interferences, thus raising the detection limits.)

Using "Standard Methods for the Examination of Water and Wastewater," 14th edition, Method 502D, BSC determined that its treatment pit waste had a maximum oil and grease content of 2.68 percent. These analyses were conducted on samples that had exceeded SW–846 recommended maximum holding times. However, the Agency accepts these analyses as an indication of the oily nature of the waste. For the determination of the percent oil and grease, delay in analysis would tend to decrease the apparent amount of oil in the sample. Because the expired samples still contained oil and grease levels in excess of one percent, the Agency considered the waste to be an oily waste.

Petitioners are required to modify the EP procedure in accordance with the Oily Waste EP (OWEP) methodology if the oil and grease content of the waste exceeds one percent. Wastes having more than one percent total oil and grease may either have significant concentrations of the constituents of concern in the oil phase which may not be assessed using the standard EP leachate procedure, or the concentration of oil and grease may be sufficient to coat the solid phase of the sample and interfere with the leaching of metals from the sample. See SW–846 Method 1330. BSC provided standard EP data as well as OWEP data (on expired samples) in support of its petition. Because there was sufficient basis to propose denial of the petition, the Agency did not require BSC to provide additional OWEP results on representative samples of the treatment pit waste.

On the basis of test results provided by BSC pursuant to 40 CFR 260.22, none of the samples analyzed exhibited the characteristics of ignitability, corrosivity, or reactivity. See 40 CFR 261.21, 261.22, and 261.23, respectively.

BSC submitted a signed certification stating that the treatment pit contains approximately 6,000 cubic yards of waste. The Agency reviews a petitioner's estimate and, on occasion, has requested a petitioner to reevaluate estimated waste volume. EPA accepts BSC's certified estimate of 6,000 cubic yards.

EPA does not generally verify submitted test data before proposing delisting decisions, and has not verified the data upon which it proposes to deny BSC's petition. The sworn affidavit submitted with this petition binds the petitioner to present truthful and accurate results. The Agency, however, has initiated a spot-check sampling and analysis program to verify the representative nature of data for some percentage of the submitted petitions, and may select facilities likely to be proposed for exclusion for spot-check sampling.

4. Agency Evaluation

The Agency's review of BSC's petition included an evaluation of the treatment pit waste (*e.g.*, adequacy of the sampling strategy, assessment of the total and leachable constituent levels in the waste) and the potential impact of the treatment pit waste on the underlying aquifer. The Agency reviewed BSC's arguments concerning the presence of hazardous constituents (*e.g.*, those constituents listed in 40 CFR Part 261, Appendix VIII), other than those tested for, in the treatment pit waste. BSC claims that additional hazardous constituents are not expected to be present in the petitioned waste given the nature of the facility's pickling operations and raw materials used in these pickling operations. The Agency believes that BSC's analyses and presentation were insufficient to demonstrate that the waste contains no other hazardous constituents. Specifically, BSC did not provide a comprehensive description of all solid wastes (including the composition of the slags) that were disposed of in the treatment pit; BSC only explained that pickling operations would not have generated wastes that contained additional hazardous constituents. Because all solid wastes disposed of in the treatment pit are also considered hazardous in accordance with 40 CFR 261.3(a)(2)(iv) (the mixture rule), BSC should have also demonstrated that these wastes did not contain additional hazardous constituents. The Agency typically requires petitioners to submit analytical results or mass balance calculations for constituents expected to be present in petitioned wastes. The Agency, however, did not request BSC to provide further information about additional hazardous constituents in the treatment pit waste because sufficient data existed to support a proposed denial of the petition.

In evaluating petitioned wastes such as BSC's, the Agency typically uses its vertical and horizontal spread (VHS) landfill model which predicts the potential for ground-water contamination from wastes that are landfilled. See 50 FR 7882 (February 26, 1985), 50 FR 48896 (November 27, 1985), and the RCRA public docket for these notices for a detailed description of the VHS model and its parameters. However, because BSC's characterization of the petitioned waste was inadequate (*e.g.*, OWEP results were not provided for samples within SW–846 recommended maximum holding times), the Agency believes it is inappropriate to use the modeling evaluation as a basis in today's decision. The Agency believes that the results of the evaluation using unacceptable input parameters would not be an accurate assessment of the

potential hazards of the petitioned waste.

After reviewing information describing the ground-water monitoring system at the treatment pit, the Agency determined that the ground-water monitoring system for the treatment pit is inadequate to fully characterize either the ground-water flow direction(s) or ground-water quality at the treatment pit. The system was originally designed to monitor both the treatment pit and a nearby tar sludge impoundment as a single waste management area (HWM–1). Well MW–1U1 was installed to serve as an upgradient well for the waste management area. While three wells were installed as downgradient wells for the tar sludge impoundment, only well MW–1D1 was installed to serve as a downgradient well for the treatment pit. The Agency believes that the single downgradient well (MW–1D1) is inadequate for fully characterizing the impact of the treatment pit waste on ground-water quality.

Information contained on well logs submitted by BSC also raised several concerns about the construction of MW–1U1 and MW–1D1. In particular, the Agency is concerned that MW–1D1 was screened in "black ash" while MW–1U1 was screened in gravel and slag. The "black ash" in which MW–1D1 is screened may also affect the chemical composition of the ground water by acting as a filtering aid, adsorption agent, buffer, or reagent. Additionally, the Agency is concerned that the screened portion of MW–1D1 is 20 feet shorter than the screened portion of MW–1U1. Lastly, the Agency is concerned that MW–1U1 was installed in what appears to be a contaminated area. The well log for MW–1U1 indicates that both "foamy green water" and "grey to black water" were encountered during drilling. In addition, elevated concentrations of benzene have been reported in well MW–1U1 (see Table 2). Therefore, the Agency believes that the construction and placement of the two wells (MW–1U1 and MW–1D1) support a conclusion that the well system is inadequate.

Despite the inadequacies of the monitoring system for the treatment pit, the Agency believes the monitoring data from the single downgradient well demonstrate that the treatment pit may have contributed to ground-water contamination in excess of the health-based levels used in delisting decision-making. EPA did not request that BSC provide additional ground-water monitoring data because the existing information from well MW–1D1 was of sufficient concern to support a proposed denial of BSC's petition. Specifically, data from the analysis of samples collected from the existing ground-water monitoring system at the treatment pit indicate that the petitioned unit may have adversely impacted ground-water quality. Table 2 presents the hazardous constituents which were detected at concentrations exceeding the health-based levels used for delisting decision-making in ground-water samples collected from downgradient well, MW–1D1. Table 2 also presents analyses of ground-water samples collected from upgradient well, MW–1U1.

TABLE 2.—CONCENTRATIONS OF HAZARDOUS CONSTITUENTS IN GROUND-WATER THAT EXCEED DELISTING HEALTH-BASED LEVELS IN THE DOWNGRADIENT WELL (PPM) TREATMENT PIT

Parameter and sampling date	Levels of regulatory concern [1]	Monitoring wells [2]	
		MW–1U1	MW–1D1
Lead	0.05		
6–6–85 [3]		<0.01	0.06
7–86 [4]		0.030J	0.270
Cadmium	0.01		
4–25–85		NR	0.014
1–88		<0.005	0.013
1,1–Dichloroethane	0.00038		
6–11–86		<0.001	0.003
7–86		ND	0.0033
2–87		NR	0.008
11–6–87 (NYDEC)		NR	0.010
11–6–87		<0.005	0.010
1–88		<0.005	0.010
Trichloroethylene	0.005		
6–11–86		<0.001	0.009
7–86		ND	0.0082
2–87		NR	0.009
11–6–87 (NYDEC)		NR	0.0096
11–6–87		<0.005	0.009
1–88		<0.005	0.010
Fluorene	0.002		
7–86		0.0080	0.028
11–6–87 (NYDEC)		NR	0.0036J
11–6–87		<0.010*	<0.010*
1–88		<0.010*	<0.010*
Phenanthrene	0.002		
7–86		0.012	0.025
11–6–87 (NYDEC)		NR	0.0024J
11–6–87		0.013	<0.010*
1–88		0.014	<0.010*
Anthracene	0.002		
7–86		ND	0.0036
11–6–87 (NYDEC)		NR	<0.020
11–6–87		<0.010*	<0.010
1–88		<0.010*	<0.010*
Benzene	0.005		
7–86		0.340	0.0051
11–6–87		0.430	0.009
1–88		0.340	0.008

[1] See "Docket Report on Health-based Regulatory Levels and Solubilities Used in the Evaluation of Delisting Petitions," June 8, 1988, located in the RCRA public docket.
[2] MW-1U1 is an upgradient well; MW-1D1 is a downgradient well.
[3] All values reported by BSC unless otherwise noted.
[4] Lead concentration in trip blank was estimated as 0.020 ppm.
NR—Not reported.
J—Indicates an estimated value. This flag is used either (1) when estimating a concentration for tentatively identified compounds where a 1:1 response is assumed or (2) when the mass spectral data indicate the presence of a compound that meets the identification criteria, but the result is less than the specified detection limit and greater than zero. For example, if the limit of detection is 0.010 ppm and a concentration of 0.003 ppm is calculated, the result is reported as 0.003J.
ND—Not detected; detection limit unspecified.
<—Denotes that the constituent was not detected at the detection limit specified in the table.
*—Compound present, but not quantifiable below measurable detection limit.
NYDEC—Value reported by New York Department of Environmental Control.

Table 3 presents the concentrations of non-hazardous constituents detected in ground-water samples collected from MW-1U1 and MW-1D1. Although increases in the concentrations of constituents listed in Table 3 (and decreases in pH) in MW-1D1 with respect to MW-1U1 would not themselves warrant denial of a delisting petition, they provide further support for the Agency's conclusion that the treatment pit is impacting ground-water quality.

TABLE 3.—CONCENTRATIONS OF NON-HAZARDOUS CONSTITUENTS AND WATER QUALITY PARAMETERS IN GROUND-WATER (PPM) TREATMENT PIT

Parameter and sampling date	Monitoring wells [1]	
	MW-1U1	MW-1D1
Chloride		
12-18-85 [2]	130	2,000
6-11-86	97	2,500
7-86	166	2,700
12-86	78	3,827
6-87	160	2,000
11-6-87	200	190***
1-88	190	3,300
Iron		
12-18-85	0.59	19.1
6-11-86	0.33	56.3
7-86	0.280	110
Manganese		
12-18-85	0.058	0.76
6-11-86	<0.010	0.608
7-86	0.0091	0.880
NO_3-N		
12-18-85	0.57	7.76
11-6-87	<0.1	0.14
1-88	0.17	3.4
pH [3]		
2-21-85	12.1	7.3
4-25-85	11.7	6.9
6-6-85	11.8	6.7
7-18-85	10.6	5.8
12-18-85	12.18	6.80
6-11-86	11.20	7.00
7-86	11.72	6.67
12-86	11.67	6.58
6-87	10.59**	8.24**
11-6-87	11.26**	6.85**
1-88	11.48**	7.17**
Specific Conductance [3]		
12-18-85	2,530	8,090
6-11-86	2,330	6,580
7-86	2,140	9,010
12-86	2,663	12,359
6-87	2,300**	9,800**
11-6-87	1,350**	5,760**
1-88	2,470**	11,260**

TABLE 3.—CONCENTRATIONS OF NON-HAZARDOUS CONSTITUENTS AND WATER QUALITY PARAMETERS IN GROUND-WATER (PPM) TREATMENT PIT—Continued

Parameter and sampling date	Monitoring wells [1]	
	MW-1U1	MW-1D1
Total Organic Carbon (TOC)		
12-18-85	3.6	5.3
6-11-86	10.0	13.6
7-86	7.4	11.1
12-86	8.5	14.3
TOX		
12-18-85	0.014	0.018
6-11-86	0.023	0.024
7-86	0.340J	0.726
12-86	0.048	0.085
6-87	<0.005	0.071
11-6-87	0.010	0.099
1-88	0.024	0.067
Sulfate		
6-11-86	276	1,180
12-86	268	1,106
6-87	340	1,100
11-6-87	210	400***
1-88	180	820
Potassium		
6-11-86	79	171
12-86	72.8	219
1-88	76.0	257

[1] MW-1U1 is an upgradient well; MW-1D1 is a downgradient well.
[2] All values reported by BSC.
[3] Specific conductance and pH are reported in umhos/cm and standard units, respectively.
NR—Not reported.
J—Estimated value (see footnote to Table 2).
<—Denotes that the constituent was not detected at the detection limit specified in the table.
*—Compound present, but not quantifiable below measurable detection limit.
**—Field data.
***—BSC believes that sample bottles were switched. Chloride concentration may actually be 3,100 ppm (not 190 ppm) and sulfate concentration may actually be 1,000 ppm (not 400 ppm).

5. Conclusion

The Agency believes that BSC has failed to demonstrate that its petitioned waste is not hazardous. The Agency believes that data from the analyses of samples collected from the existing ground-water monitoring system at the treatment pit indicate that the petitioned unit may have contributed to ground-water contamination. Specifically, the Agency believes that the ground-water monitoring data from the existing well system are not adequate to eliminate the treatment pit as a source of ground-water contamination and, to the contrary, provide a basis for concluding that the treatment pit waste is contributing to ground-water contamination. Furthermore, the Agency believes that the petitioned waste's potential to contribute to ground-water contamination is a sufficient basis for denial because the Agency, in its evaluation of a petition, must determine whether factors (including additional constituents) could cause the petitioned waste to be hazardous (see 40 CFR 260.22(a)(2)). The Agency is not obligated to show conclusively that the waste is hazardous.

In addition, the Agency also considers BSC's petition to be incomplete. As stated previously, the Agency believes that BSC's characterization of the petitioned waste was inadequate (*e.g.*, holding times were exceeded, inappropriate analytical methods were used, and the presence of other hazardous constituents potentially present in the waste were not quantified). The Agency, however, did not request BSC to provide further information about additional hazardous constituents in the treatment pit waste because sufficient data existed to support a proposed denial of the petition. As stated previously, the Agency did not believe it appropriate to use the VHS model evaluation as a basis in today's decision because acceptable analytical data were not provided.

The Agency, therefore, proposes to deny Bethlehem Steel Corporation's petition for exclusion of the waste described in its petition as EPA Hazardous Waste No. K062 and contained in its treatment pit at its Lackawanna, New York facility. The treatment pit waste should continue to be subject to regulation under 40 CFR Parts 260 through 268 and the permitting standards of 40 CFR Part 270.

III. Effective Date

This rule, if promulgated, will become effective immediately. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six

months when the regulated community does not need the six-month period to come into compliance. That is the case here, because this rule, if promulgated, would not change the existing requirements for persons generating hazardous wastes. This facility has been obligated to manage its waste as hazardous before and during the Agency's review of its petition. Because a six-month deadline is not necessary to achieve the purpose of section 3010, EPA believes that this denial should be effective immediately upon promulgation. These reasons also provide a basis for making this rule effective immediately, upon promulgation, under the Administrative Procedures Act, pursuant to 5 U.S.C. 553(d).

IV. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The proposed denial of this petition, if promulgated, would not impose an economic burden on this facility because prior to submitting and during review of the petition, this facility should have continued to handle its waste as hazardous. The denial of the petition means that they are to continue managing their waste as hazardous in the manner in which they have been doing, economically, and otherwise. There is no additional economic impact, therefore, due to today's rule. This proposal is not a major regulation, therefore, no Regulatory Impact Analysis is required.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 USC §§ 601–612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator or delegated representative, may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment, if promulgated, will not have an adverse economic impact on small entities. The facility included in this notice does not constitute a small entity. Accordingly, I hereby certify that this proposed regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

VI. Paperwork Reduction Act

Information collection and recordkeeping requirements associated with this proposed rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511, 44 U.S.C. 3501 *et. seq.*) and have been assigned OMB Control Number 2050–0053.

List of Subjects in 40 CFR Part 261

Hazardous Materials, Waste Treatment and Disposal, Recycling.

Authority: Sec. 3001 RCRA, 42 U.S.C. 6921.

Date: July 17, 1989.

Robert L. Duprey,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 89–17735 Filed 7–28–89; 8:45 am]

BILLING CODE 6560–50–M

Notices

Federal Register
Vol. 54, No. 145
Monday, July 31, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Machine Tool Special Issue License: Request for Comments

AGENCY: Department of Commerce, Bureau of Export Administration, Export Administration.

ACTION: Notice of request for comments.

SUMMARY: The Department of Commerce hereby solicits public comments on a request for special issue licenses under Article 8 of the U.S.-Japan machine tool voluntary restraint agreement.

DATES: Comments must be submitted no later than August 10, 1989.

ADDRESSES: Send all comments to John A. Richards; Deputy Assistant Secretary for Industrial Resource Administration; Room H3878; U.S. Department of Commerce; 14th Street and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Edward Levy, Section 232 Program Manager, Department of Commerce, Room H3878, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: Paragraph 8 of the Arrangement Between the Government of Japan and the Government of the United States of America Concerning Trade in Certain Machine Tools provides for the issuance of special issue licenses when it is determined "that there is a need for the importation into the USA of arrangement products in excess of the (VRA) export limit." Generally, the Department of Commerce is prepared to grant such requests (1) when the machine in question meets a unique national security need, (2) when the machine will directly support an increase in U.S. machine tool manufacturing capacity, or (3) when a customer can demonstrate that a comparable tool cannot be obtained from domestic or available foreign suppliers. Special issue licenses are granted for a limited time period and for a specified number of machines.

The Department has received a request for a special issue license to import a machining center from Japan. The machine is a double column verticle spindle machining center, capable of 5-sided machining and meets the following specifications: table size of 59" wide x 20" long; X axis travel of 197", Y axis travel of 79", Z axis travel of 26"; positioning of accuracy of +/− 0.0002 inches; position repeatability of 0.00012 inches; the effective width between columns of 80.71 inches; distance from spindle nose to table of 0–59.06 inches; working surface of 59 x 189 inches; height of table from floor of 31.50 inches; feedrate of 0.04—157 ipm; rapid traverse of 591 imp and maximum load capacity of 44,000 pounds.

The Department is particularly interested in receiving public comments on the availability of comparable tools from domestic or available foreign suppliers. Any party interested in commenting on this request should send written comments as soon as possible, and not later than August 10, 1989.

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly identify that portion of their submission and also provide a non-proprietary submission which can be placed in the public file. The public file will be maintained in the Bureau of Export Administration's Office of Security and Management Support, Room 4886 at the above address; telephone (202) 377–2593.

James M. LeMunyon,
Deputy Assistant Secretary for Export Administration.

[FR Doc. 89–17762 Filed 7–28–89; 8:45 am]
BILLING CODE 3510–DT–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Performance Review Boards List of Members

Below is a list of additional individuals who are eligible to serve on the Performance Review Boards for the Department of the Air Force in accordance with the Air Force Senior Executive Appraisal and Award System.

Office of the Secretary of the Air Force

BG Michael P. McRaney
BG Basil H. Pflumm

Air Staff

Dr. David E. Anderson
Mr. Grover L. Dunn
Mr. Roy C. Gay

Air Force Logistics Command

Ms. Diann L. McCoy
Mr. Gerald L. Yanker

Patsy J. Conner,
Air Force Federal Register Liaison Officer.

[FR Doc. 89–17784 Filed 7–28–89; 8:45 am]
BILLING CODE 3910–01–M

DEPARTMENT OF EDUCATION

Office of Educational Research and Improvement

Advisory Council on Education Statistics; Meeting

AGENCY: Advisory Council on Education Statistics (ACES).

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: September 7–8, 1989.

ADDRESS: 555 New Jersey Avenue NW., Room 326, Washington, DC 20208.

FOR FURTHER INFORMATION CONTACT: Iris Silverman, Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue, Room 400J, Washington, DC 20208–5574. Telephone: (202) 357–6331.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics is established under section 406(c)(1) of the Education Amendments of 1974, Pub. L. 93–380. The Council is established to review general policies for the operation of the National Center for Education Statistics (NCES) in the Office of Educational Research and

Improvement and is responsible for advising on standards to insure that statistics and analyses disseminated by NCES are of high quality and are not subject to political influence. The meeting of the Council is open to the public.

The proposed agenda includes the following: NCES: Three Years After the National Academy of Sciences' Evaluation; ACES Agenda Planning; Confidentiality Issues and Sharing of Data; Work-in-Progress—Standards Revision and Quality Assurance.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue NW., Room 400J, Washington, DC 20208–5574.

Date: July 25, 1989.

Bruno V. Manno,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 89–17802 Filed 7–28–89; 8:45 am]

BILLING CODE 4000–01–M

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Technical Methodology Committee of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: August 18, 1989.

Time: 2 p.m. until adjournment.

Location: U.S. Department of Education, National Assessment Governing Board, Suite 4060, Mary E. Switzer Building, 330 C Street SW., Washington, DC 20202–7583.

FOR FURTHER INFORMATION CONTACT: Roy Truby, Executive Staff Director, National Assessment Governing Board, U.S. Department of Education, Suite 4060, Mary E. Switzer Building, 330 C Street SW., Washington, DC 20202–7583. Telephone: (202) 732–1824.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 406(i) of the General Education Provision Act (GEPA) as amended by section 3403 of the National Assessment of Educational Progress Improvement Act (NAEP Improvement Act), Title III–C of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (Pub. L. 100–297), 20 U.S.C. 1221E–1.

The Board is established to advise the Commissioner for Education Statistics on policies and actions needed to improve the form and use of the National Assessment of Educational Progress, and develop specifications for the design, methodology, analysis and reporting of test results. The Board also is responsible for selecting subject areas to be assessed, identifying the objectives for each age and grade tested, and establishing standards and procedures for interstate and national comparisons.

The Technical Methodology Committee of the National Assessment Governing Board will meet via teleconference in Washington, DC on August 18, 1989 from 2 p.m. until the completion of business. Because this is a teleconference meeting, facilities will be provided so the public will have access to the Committee's deliberations. The proposed agenda includes a discussion of issues related to reporting student achievement on a state-by-state comparison basis. Committee members will be updated on the progress toward the determination of procedures and strategies to be followed in reporting State comparative data.

Records are kept of all Board proceedings, and are available for public inspection at the National Assessment Governing Board office, U.S. Department of Education, Suite 4060, Mary E. Switzer Building, 330 C Street SW., Washington, DC 20202–7583, from 8:30 a.m. to 5 p.m.

Date: July 25, 1989.

Bruno V. Manno,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 89–17729 Filed 7–28–89; 8:45 am]

BILLING CODE 4000–01–M

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Reading Committee of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: August 14, 1989.

Time: 1:00 p.m. until adjournment.

Location: U.S. Department of Education National Assessment Governing Board, Suite 4060, Mary E. Switzer Building, 330 C Street, SW., Washington, DC 20202–7583.

FOR FURTHER INFORMATION CONTACT: Roy Truby, Executive Staff Director, National Assessment Governing Board, U.S. Department of Education, Suite 4060, Mary E. Switzer Building, 330 C Street, SW., Washington DC 20202–7583. Telephone: (202) 732–1824.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 406(i) of the General Education Provisions Act (GEPA) as amended by section 3403 of the National Assessment of Educational Progress Improvement Act (NAEP Improvement Act), Title 2III–C of the Augustus F. Hawkins—Robert T. Stafford Elementary and Secondary School Improvement Amendments of 21988 (Pub. L. 100–297); 20 USC 1221e–1).

The Board is established to advise the Commissioner for Education Statistics on policies and actions needed to improve the form and use of the National Assessment of Educational Progress, and develop specifications for the design, methodology, analysis and reporting of test results. The Board also is responsible for selecting subject areas to be assessed, identifying the objectives for each age and grade tested, and establishing standards and procedures for interstate and national comparisons.

The Reading Committee of the National Assessment Governing Board will meet via teleconference in Washington, DC on August 14, 1989 from 1:00 p.m. until the completion of business. Because this is a teleconference meeting, facilities will be provided so the public will have access to the Committee's deliberations. The proposed agenda includes review and approval of the logistical arrangements for the public hearings on the Reading Objectives for the 1992 Assessment; and other matters pertaining to the Reading Committee's responsibilities.

Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, Mary E. Switzer Building, 330 C Street, SW., Room 4060, Washington, DC from 8:30 a.m. to 5:00 p.m.

Date: July 25, 1989.

Bruno V. Manno,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 89–17730 Filed 7–28–89; 8:45 am]

BILLING CODE 4000–01–M

Advisory Committee on Student Financial Assistance; Hearing and Meeting

AGENCY: Advisory Committee on Student Financial Assistance.

ACTION: Notice of upcoming hearing and meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming hearing and meeting of the Advisory Committee on Student Financial Assistance. This notice also describes the functions of the Committee. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of the opportunity to attend.

DATES: August 14, 1989 beginning at 1:00 p.m. and ending at 4:00 p.m.; August 15, 1989 beginning at 9:00 a.m. and ending at 5:00 p.m.; and August 16, 1989 beginning at 9:00 a.m. and ending at 12:00 Noon.

ADDRESS: The Hoover Institution at Stanford University, Stauffer Auditorium, Herbert Hoover Memorial Building, Stanford, California 94305.

FOR FURTHER INFORMATION CONTACT: Brian K. Fitzgerald, Staff Director, Advisory Committee on Student Financial Assistance, Room 4600, ROB–3, 7th & D Streets, S.W., Washington, DC 20202–7582 (202) 732–3439.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Student Financial Assistance is established under section 491 of the Higher Education Act of 1965 as amended by Pub. L. 100–50 (20 U.S.C. 1098). The Advisory Committee is established to provide advice and counsel to the Congress and the Secretary of Education on student financial aid matters, including providing technical expertise with regard to systems of need analysis and application forms, making recommendations that will result in the maintenance of access to postsecondary education for low- and middle-income students, and conducting a study of institutional lending in the Stafford Student Loan Program. The Congress has also directed the Advisory Committee to provide assistance in preparing for the reauthorization of the Higher Education Act.

The Advisory Committee will meet in Stanford, California from 1:00 p.m. to 4:00 p.m. on August 14; from 9:00 a.m. to 5:00 p.m. on August 15; and from 9:00 a.m. to 12:00 Noon on August 16.

The proposed agenda of the meeting includes: (a) Activities of the Subcommittee on Need Analysis and Delivery System; (b) Advisory Committee Reauthorization Activities; and (c) Discussion of National Service and other issues.

Records are kept of all Committee proceedings, and are available for public inspection at the Office of the Advisory Committee on Student Financial Assistance, Room 4600, 7th and D Streets SW., Washington, DC from the hours of 9:00 a.m. to 5:30 p.m., weekdays, except Federal holidays.

Dated: July 21, 1989.

Brian K. Fitzgerald,

Staff Director, Advisory Committee on Student Financial Assistance.

[FR Doc. 89–17761 Filed 7–28–89; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. QF89–50–001, et al.]

Cimarron Chemical, Inc., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Cimarron Chemical, Inc.

[Docket No. QF89–50–001]

July 21, 1989.

On July 14, 1989, Cimarron Chemical, Inc. (Applicant) of 1400 Post Oak Boulevard, Suite 625, Houston Texas 77056 submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The original application was filed on November 17, 1988, and certification was granted on March 28, 1989; Cimarron Chemical, Inc., 46 FERC ¶ 62,312 (1989). The facility will be located near the hamlet of Vilas, in Baca County, Colorado. The recertification is requested due to an increase in the net electric power production capacity from 67.8 MW to 72.8 MW. In addition, the thermal output of the facility, in the form of extraction steam, will now be used in drying agricultural products, such as alfalfa, as opposed to its use in absorption chillers for refrigeration under the original application. In all other respects, the facility remains essentially the same as that set forth in the original application.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

2. South Carolina Public Service Authority

[Docket No. ES89–31–000]

July 21, 1989.

Take notice that on July 14, 1989, the South Carolina Public Service Authority ("Authority") filed an application with the Federal Energy Regulatory Commission ("Commission"), pursuant to section 204 of the Federal Power Act, seeking authority to issue not more than $100 million in Tax-exempt commercial paper. The Authority asks, in the alternative, an order dismissing the application for lack of jurisdiction.

Comment date: August 14, 1989, in accordance with Standard Paragraph E at the end of this notice.

3. Ruth M. Davis

[Docket No. ID–2418–000]

July 24, 1989.

Take notice that on July 6, 1989, Ruth M. Davis, Applicant, tendered for filing an application under section 305(b) of the Federal Power Act to hold the following positions:

Trustee (Director), Consolidated Edison Company of New York, Inc.
Director, Principal Mutual Life Insurance Company
Director, Control Data Corporation

Comment date: August 7, 1989, in accordance with Standard Paragraph E at the end of this notice.

4. Connecticut Yankee Atomic Power Company

[Docket No. EL87–23–005]

July 24, 1989.

Take notice that on July 3, 1989, Connecticut Yankee Atomic Power Company (Connecticut Yankee) tendered for filing changes to its 1987 Supplementary Power Contract. Connecticut Yankee states that these changes are being made in compliance with the Commission's Order on Remand issued on May 18, 1989.

Comment date: August 7, 1989, in accordance with Standard Paragraph E at the end of this notice.

5. Century Power Corp.

[Docket No. ER89-562-000]

July 24, 1989.

Take notice that on July 17, 1989, Century Power Corporation (Century) tendered for filing two letter agreements amending the 1989 Sales Agreement between Century and San Diego Gas & Electric Company (San Diego). The amendments reflect, among other related changes, SDG&E's decisions to purchase 50 MW rather than 100 MW during June 1989, SDG&E's election to extend the contract through the end of 1989, and an attempt by the parties to clarify their intent concerning off-peak energy purchases.

Century requests waiver of notice so that the submittals can become effective as of June 1, 1989.

Comment date: August 7, 1989, in accordance with Standard Paragraph E at the end of this document.

6. Niagara Mohawk Power Corp.

[Docket No. ER88-604-000]

July 24, 1989.

Take notice that Niagara Mohawk Power Corporation (Niagara Mohawk), on June 26, 1989, tendered for filing an agreement between Niagara Mohawk and The United Illuminating Company dated April 27, 1989.

The April 27, 1989 agreement is to provide for the sale by Niagara Mohawk Power Corporation of peaking capacity and related energy to The United Illuminating Company. The terms of this agreement and the period during which the purchase of peaking capacity can occur shall commence on May 1, 1989 and shall continue until April 30, 1994.

Copies of this filing were served upon The United Illuminating Company and the New York State Public Service Commission.

Comment date: August 7, 1989, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-17754 Filed 7-28-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF89-274-000]

JMC Selkirk, Inc.; Application for Commission Certificatin of Qualifying Status of a Cogeneration Facility

July 24, 1989.

On July 11, 1989, JMC Selkirk, Inc. (Applicant), of One Bowdoin Square, Boston, Massachusetts 02114, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.208 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Selkirk, New York. The facility will consist of a combustion turbine generator, a supplementary fired heat recovery steam generator, and a non-condensing steam turbine generator. Thermal energy recovered from the facility will be sold to the General Electric Company for space heating and for use in the manufacture of plastics. The net electric power production capacity of the facility will be 79.9 MW. The primary source of energy will be natural gas. Construction of the facility is scheduled to being November 1989.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-17751 Filed 7-28-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI89-460-000, et al.]

Mitchell Energy Corp., et al.; Applications for Certificates and Abandonment of Service

July 24, 1989.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications which are on file with the Commission and open to public inspection.[1]

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 9, 1989, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Description
CI89-460-000 (G-7331), B, June 12, 1989.	Mitchell Energy Corporation, P.O. Box 4000, The Woodlands, TX 77387-4000.	Tennessee Gas Pipeline Company, Decker Prairie & Tomball Field, Montgomery & Harris Counties, Texas.	Certain wells plugged and abandoned. Other acreage assigned 12-31-86 to Tortuga Operating Company.

Docket No. and date filed	Applicant	Purchaser and location	Description
CI89-474-000, E, July 3, 1989	Amoco Production Company, 1670 Broadway, Denver, CO 80202.	Williams Natural Gas Company, Hugoton Field, Finney County, Kansas.	Acreage acquired 7-1-88 from Gaylord S. Davidson Trust No. 1.
CI89-478-000, A, July 10, 1989	Matagorda Island Exploration Corporation, P.O. Box 1330, Houston, TX 77251-1330.	Williams Natural Gas Company, Panoma Field, Morton County, Kansas.	New lease acquired for acreage previously dedicated by Amoco Production Company in Docket No. G-4904.
CI89-480-000 (CI75-680), F, July 14, 1989.	TXP Operating Company, 2800 Post Oak Blvd., P.O. Box 1396, Houston, TX 77251-1396.	Texas Gas Transmission Corporation, Eugene Island Block 342, Offshore Louisiana.	Acreage acquired 8-21-85 and 2-1-87 from Huffco Petroleum Corporation and 12-1-88 from Texaco Inc.

Filing Code: A—Initial service; B—Abandonment; C—Amendment to add acreage; D—Assignment of acreage; E—Succession; F—Partial succession.

[FR Doc. 89-17752 Filed 7-28-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP89-1837-000]

CNG Transmission Corp; Request Under Blanket Authorization

July 20, 1989.

Take notice that on July 19, 1989, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26302-2450, filed in Docket No. CP89-1837-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide interruptible transportation services for IESCO and seven other shippers (Shippers), under the blanket certificate issued in Docket No. CP86-311-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and to open to public inspection.

CNG states that, pursuant to the respective transportation service agreements, it would transport natural gas from various receipt points on its system and would deliver the gas to various interconnections between CNG and certain local distribution companies and pipelines. The receipt and delivery points, along with maximum daily, estimated average daily and annual volumes (dt equivalent), are shown on the attached Appendix A.

CNG advises that service under § 284.223(a) commenced May 2, 1989, on behalf of IESCO as reported in Docket No. ST89-4015-000. Appendix A also lists commencement dates and related ST docket numbers for services provided the other shippers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

APPENDIX A

Shipper customer	Max dt/day, average dt/day, annual dt	Receipt point	Delivery point	Commencement date	Related docket
1. IESCO	5,000 5,000 1,825,000	D	HGI	5-2-89	ST89-4015
2. Endevco Marketing Company	4,000 775 282,875	B	NIMO	5-12-89	ST89-4013
3. Stone Resource & Energy Corporation	10,000 25 9,125	C	EOG	5-23-89	ST89-4014
4. Aluminum Co. of America	4,200 2,428 886,220	D	EOG	5-25-89	ST89-4012
5. Energy Buyers Service Corp	5,000 207 75,555	D	NYSEG	6-5-89	ST89-4011
6. Energy Buyers Service Corp	5,000 992 362,080	D	RG&E	6-5-89	ST89-4010
7. Empire Natural Gas Corporation	5,000 25 1,625	A	NYSEG	6-6-89	ST89-4009
8. X Energy, Inc	5,000 96 35,040	C	North Penn	6-7-89	ST89-4008

Legend of LDC/PL Delivery Points

EOG—East Ohio Gas Company
HGI—Hope Gas, Inc.
NIMO—Niagara Mohawk Power Corporation
North Penn—North Penn Gas Company
NYSEG—New York State Electric & Gas Corporation
RG&E—Rochester Gas & Electric Corporation

Legend of Receipt Points

A—Various interconnects between Tennessee Gas Pipeline Company and CNB
B—Various receipt points in WV/PA/NY

C—Various interconnects between Texas Gas Transmission Corporation and CNG
D—Various interconnects between Texas Eastern Transmission Corporation and CNG

[FR Doc. 89-17755 Filed 7-28-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. G-2737-007, et al.]

Conoco Inc., et al; Applications for Termination or Amendment of Certificates

July 24, 1989.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for authorization to terminate or amend certificates described herein, all as more fully described in the respective applications which are on file with the Commission and open to public inspection.[1]

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 10, 1989, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Description
G-2737-007, D, Mar. 21, 1989	Conoco Inc., P.O. Box 2197, Houston, TX 77252.	Williams Natural Gas Company, West Panhandle Field, Gray County, Texas.	Assigned eff. 3-1-89 to Amarillo Natural Gas Company, Inc.
G-2737-008, D, Mar. 21, 1989	Conoco Inc	Williams Natural Gas Company, West Panhandle Field, Gray County, Texas.	Assigned eff. 3-1-89 to Prairie Oil Company.
G-8592-002, D, June 8, 1989	Oryx Energy Company, P.O. Box 2880, Dallas, TX 75221-2880.	United Gas Pipe Line Compay, Pistol Ridge Field, Forrest County, Mississippi.	Assigned eff. 7-1-85 to A.W. Dugan Petroleum.
G-8592-003, D, June 8, 1989	Oryx Energy Company	United Gas Pipe Line Company, Pistol Ridge Field, Forrest County, Mississippi.	Assigned eff. 11-1-85 to Sherman Stampley.
G-10723-000, D, July 7, 1989	Union Pacific Resources Company, P.O. Box 7, Forth Worth, TX 76101.	Colorado Interstate Gas Company, S.W. Camp Creek, Beaver County, Oklahoma.	Assigned eff. 1-1-89 to Swift Energy Company.
G-17864-000, D, June 12, 1989	Texaco Producing Inc., P.O. Box 52332, Houston, TX 77052.	Panhandle Eastern Pipe Line Company, Möhler Field, Meade County, Kansas.	Assigned eff. 12-1-88 to Hi Inc.
G-18378-000, D, June 5, 1989	Texaco Producing Inc	Florida Gas Transmission Company, Half Moon Reef Field, Arkansas County, Texas.	Assigned eff. 3-1-89 to O'Sullivan & Scully, Inc.
G-19127-002, D, June 5, 1989	Texaco Inc., P.O. Box 52332, Houston, TX 77052.	Phillips 66 Natural Gas Company, Hugoton Field, Moore County, Texas.	Assigned eff. 12-1-88 to NM&O Operating Company, D.W. Morris and J.H. Ferris, Jr.
G-19563-001, D, July 3, 1989	Anadarko Petroleum Corporation, P.O. Box 1330, Houston, TX 77251.	K N Energy, Inc., Texas County, Oklahoma.	Assigned eff. 5-1-87 to Vernon E. Faulconer, Inc.
CI63-148-000, D, May 9, 1989	Union Oil Company of California, P.O. Box 7600, Los Angeles, CA 90051.	ANR Pipeline Company, South Campbell Field, Major County, Oklahoma.	Assigned eff. 3-1-89 to Post Oak Oil Company.
CI63-1261-000, D, Mar. 6, 1989	Amoco Production Company, P.O. Box 50879, New Orleans, LA 70150.	Valley Gas Transmission, Inc., West Hackberry Field, Cameron Parish, Louisiana.	Assigned eff. 11-1-88 to Alltex Exploration, Inc.
CI67-286-002, D, June 26, 1989	BHP Petroleum Company Inc., San Felipe Suite 3600, Houston, TX 77057.	Arkla Energy Resources, a division of Arkla, Inc., Cedars Field, LeFlore County, Oklahoma.	Assigned eff. 9-1-88 to John C. Oxley.
CI67-1650-002, D, July 14, 1989	Conoco Inc	Panhandle Eastern Pipe Line Company, South Peek Field, Roger Mills County, Oklahoma.	Assigned eff. 4-1-89 to Maynard Oil Company.
CI69-187-000, D, Mar. 21, 1989	BHP Petroluem Company Inc	Transwestern Pipeline Company, Rock Tank Field, Eddy County, New Mexico.	Assigned eff. 6-1-87 to Bledsoe Petro Corporation.
CI75-245-003, D, June 16, 1989	Oryx Energy Company	Arkla Energy Resources, a division of Arkla, Inc., S.W. Field, Kingfisher County, Oklahoma.	Assigned eff. 10-1-84 to Beck Pump and Supply, Inc.
CI75-680-003, D, June 5, 1989	Texaco Inc	Texas Gas Transmission Corporation, Eugene Island Block 342, Offshore, Louisiana.	Assigned eff. 12-1-88 to Elf Aquitaine Operating, Inc., and TXP Operating Company.
CI75-784-001, D, Apr. 3, 1989	Tenneco Exploration, Ltd., P.O. Box 2511, Houston, TX 77252.	Tenneco Oil Company, Eugene Island Blocks 342 & 343, Offshore Lousiana.	Assigned eff. 3-15-85 to Huffco Petroleum Corporation.
CI77-20-001, D, July 7, 1989	Union Pacific Resources Company	Mississippi River Transmission Corporation, S.W. New Liberty Field, Beckham County, Oklahoma.	Assigned eff. 1-1-89 to Swift Energy Company.
CI77-286-003, D, July 7, 1989	Union Pacific Resources Company	Mississippi River Transmission Corporation, Little Washita Fiedl, Grady County, Oklahoma.	Assigned eff. 1-1-89 to Swift Energy Company.
CI84-32-001, D, Apr. 3, 1989	Tenneco Exploration, Ltd	Tennessee Gas Pipeline Compnay, Eugene Island Blocks 342 & 343, Offshore Louisiana.	Assigned eff. 3-15-85 to Huffco Petroleum Corp.

Docket No. and date filed	Applicant	Purchaser and location	Description
CI87-807-002, D, July 11, 1989	Sonat Exploraton Company, P.O. Box 1513, Houston, TX 77251-1513.	Arkla Energy Resources, a Division of Arkla, Inc., Britt Ranch Field, Wheeler County, Texas.	Assigned eff. 11-1-88 to Main Energy, Inc., Graig International, Inc. and Laneer Resources, Ltd.
CI88-190-001, D, Apri. 12, 1989	Enron Oil and Gas Company, P.O. Box 1188, Houston, TX 77251.	Northern Natural Gas Company, Division of Enron Corp., Ship Shoal Block 84, Offshore Louisiana.	Assigned eff. 7-1-88 to Amoco Production Company.
CI89-335-000 (G-3762), D, Mar. 6, 1989.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	El Paso Natural Gas Company Fulcher-Kutz Picture Cliffs, San Juan County, New Mexico.	Assigned eff. 3-1-86 to Amoco Production Company and 1-1-87 to Hondo Oil & Gas Company.
CI89-370-000 (G-5668), D, Apr. 17, 1989.	BP Exploration Inc., P.O. Box 4587, Houston, TX 77210.	Texas Gas Transmission Corporation, S. Lewisburg Field, Acadia and St. Landry Parishes, Louisiana.	Assigned eff. 10-1-88 to Amerada Hess Corporation.
CI89-459-000 (CI71-763), D, June 31, 1989.	Texaco Inc	Texas Eastern Transmission Corporation, Maben Sheely Field, Oktibbeha County, Mississippi.	Assigned eff. 12-1-86 to Energy Properties Inc.
CI89-475-000 (CI67-1838), D, July 3, 1989.	BHP Petroleum Company, Inc	Williams Natural Gas Company, East Clark and Rhodes Fields, Harper County, Texas and Barber County, Kansas.	Assigned eff. 5-1-83 to A.L. Abercrombie, Inc. and F. Doyle Fair.
CI89-476-000 (CI64-1123), D, July 3, 1989.	Anadarko Petroleum Corporation	K N Energy, Inc., Texas County, Oklahoma.	Assigned eff. 12-31-86 to Vernon E. Faulconer, Inc.

[FR Doc, 89-17753 Filed 7-28-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CP89-1812-000, et al.]

El Paso Natural Gas Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. El Paso Natural Gas Company

[Docket No. CP89-1812-000]

July 19, 1989.

Take notice that on July 14, 1989, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP89-1812-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Union Oil Company of California (Union Oil), a producer, under the blanket certificate issued in Docket No. CP88-433-00, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

El Paso states that pursuant to a transportation service agreement dated April 21, 1989, under its Rate Schedule T-1, it proposes to transport up to 86,000 MMBtu per day equivalent of natural gas for Union Oil. El Paso states that it would transport the gas from any receipt point on its system, as provided in Exhibit "A" of the transportation agreement, and would deliver the gas to a delivery point on the borderline between the States of Arizona and California near Topock, Arizona, as shown in Exhibit "B" of the agreement.

El Paso advises that service under § 284.233(a) commenced June 1, 1989, as reported in Docket No. ST89-3943-000. El Paso further advises that it would transport 45,000 MMBtu on an average day and 16,425,000 MMBtu annually.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

2. El Paso Natural Gas Company

[Docket No. CP 89-1813-000]

July 19, 1989

Take notice that on July 14, 1989, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP89-1813-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Independents' Gas Services (Independents' Gas), a producer, under the blanket certificate issued in Docket No. CP88-433-000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

El Paso states that pursuant to a transportation service agreement dated January 10, 1989, under its Rate Schedule T-1, it proposes to transport up to 52,750 MMBtu per day equivalent of natural gas for Independents' Gas. El Paso states that it would transport the gas from any receipt point on it system, as provided in Exhibit "A" of the transportation agreement, and would deliver the gas to delivery points in the states of Colorado, New Mexico, Oklahoma, and Texas, as shown in Exhibit "B" of the agreement.

El Paso advises that service under § 284.223(a) commenced May 27, 1989, as reported in Docket No. ST89-3896-000. El Paso further advises that it would transport 5,275 MMBtu on an average day and 1,925,375 MMBtu annually.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

3. Trunkline Gas Company

[Docket No. CP89-1778-000]

July 19, 1989.

Take notice that on July 11, 1989, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas, 77251-1642, filed in Docket No. CP89-1778-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for Natural Gas Clearinghouse (N.G.C.) under the blanket certificate issued in Docket No. CP86-586-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Trunkline states that it proposes to transport up to 50,000 dt per day on an interruptible basis on behalf of N.G.C. pursuant to a Transportation Agreement dated February 24, 1989, between Trunkline and N.G.C. (Transportation Agreement). The Transportation Agreement provides for Trunkline to receive gas from various existing points of receipt on its system. Trunkline will then transport and redeliver subject gas, less fuel and unaccounted for line loss, to Sabine Pipeline Company (Sabine) in Vermillion County, Louisiana.

Trunkline also states that the estimated daily and estimated annual quantities would be 5,000 dt and 1,825,000 dt, respectively.

Trunkline further states that it commenced this service June 1, 1989, as reported in Docket No. ST89-3978-000.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

4. Columbia Gulf Transmission Company

[Docket No. CP89-1768-000]

July 19, 1989.

Take notice that on July 11, 1989, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP89-1768-000 a request pursuant to §§ 175.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to perform a firm transportation service for Exxon Corporation (Exxon), a producer, under Columbia Gulf's blanket certificate issued in Docket No. CP86-239-000, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia Gulf states that pursuant to a transportation agreement dated June 1, 1989, it proposes to receive up to 22,000 million Btu of natural gas per day from Exxon at a specified point in St. Mary Parish, Louisiana and redeliver the gas at a specified point in Acadian Parish, Louisiana. Columbia Gulf estimates that the peak day and average day volumes would be 22,000 million Btu's and that the annual volumes would be 8,030,000 million Btu's. It is stated that on June 1, 1989, Columbia Gulf commenced a 120-day transportation service for Exxon under § 284.223(a), as reported in Dockedt No. ST89-3921-000.

Columbia Gulf further states that no facilities need be constructed to implement the service. Columbia Gulf states that the agreement provides for a term expiring on October 31, 1989. Columbia Gulf proposes to charge rates and abide by the terms and conditions of its Rate Schedule FTS-2.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

5. Texas Gas Transmission Corporation

[Docket No. CP89-1771-000]

July 19, 1989.

Take notice that on July 11, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89-1771-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas for Penzoil Products Company (Penzoil), under Texas Gas' blanket certificate issued in Docket No. CP88-686-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas proposes to transport on an interruptible basis up to 4,500 MMBtu of natural gas on a peak day, 2,200 MMBtu on an average day and 803,000 MMBtu on an annual basis for Penzoil. Texas Gas states that it would perform the transportation service for Penzoil under Texas Gas' Rate Schedule IT. Texas Gas indicates that it would transport the gas form various receipt points to a delivery point located in Warren County, Ohio.

It is explained that the service commenced June 7, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST89-3932. Texas Gas indicates that no new facilities would be necessary to provide the subject service.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

6. Trunkline Gas Company

[Docket No. CP89-1779-000]

July 19, 1989.

Take notice that on July 11, 1989, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP89-1779-000 a request pursuant to §§ 157.205(b) and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on an interruptible basis for Natural Gas Clearinghouse, Inc. (N.G.C.), a shipper and marketer of natural gas, under its blanket certificate issued in Docket No. CP86-586-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Trunkline states that the maximum daily, average daily and annual quantities that it would transport for N.G.C. would be 50,000 dt equivalent of natural gas, 2,000 dt equivalent of natural gas and 730,000 dt equivalent of natural gas, respectively.

Trunkline states that it would transport natural gas for N.G.C. from various points in Illinois, Louisiana, offshore Louisiana, Texas and Tennessee to a delivery point in Bolivar County, Mississippi.

Trunkline indicates that in a filing made with the Commission in Docket ST89-3977, it reported that transportation service for N.G.C. commenced on June 1, 1989 under the 120-day automatic authorization provisions of Section 284.223(a).

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

7. Panhandle Eastern Pipe Line Company

[Docket No. CP89-1780-000]

July 19, 1989.

Take notice that on July 11, 1989, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP89-1780-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on an interruptible basis, for Consolidated Fuel Corporation (Consolidated), a market of natural gas, under Panhandle's blanket certificate issued in Docket No. CP86-585-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Panhandle states that pursuant to a transportation agreement dated May 18, 1989, between Panhandle and Consolidated (Agreement), Panhandle would transport up to 30,000 dekatherms (Dt.) per day equivalent of natural gas for Consolidated. Panhandle further states that the Agreement provides for it to receive the natural gas at existing points of receipt on its system in the states of Colorado, Kansas, Oklahoma and Texas. Panhandle would then transport and redeliver the natural gas, less fuel used and unaccounted-for line loss, to Haven Pool in Reno County, Kansas.

Panhandle states that Consolidated has indicated that the estimated daily and estimated annual quantities would be 20,000 Dt. and 7,300,000 Dt., respectively.

Panhandle states that service under § 284.223(a) of the Commission's Regulations (18 CFR 284.223(a)) commenced on June 1, 1989, as reported in Docket No. ST89-3968-000.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

8. Tennessee Gas Pipeline Company

[Docket No. CP89-1781-000]

July 19, 1989.

Take notice that on July 12, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP89-1781-000 a request pursuant to § 284.223 of the Commission's Regulations under

the Natural Gas Act for authorization to provide an interruptible transportation service for Ultramar Oil & Gas Limited (Ultramar), a producer of natural gas, under its blanket certificate issued in Docket No. CP87–115–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee states that the maximum daily, average daily and annual quantities that it would transport for Ultramar would be 3,300 dt equivalent of natural gas, 3,300 dt equivalent of natural gas and 1,204,500 dt equivalent of natural gas, respectively.

Tennessee indicates that in Docket No. ST89–3993, filed with the Commission on June 27, 1989, it reported that transportation service for Ultramar had begun under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

9. Northern Natural Gas Company Division of Enron Corp.

[Docket No. CP89–1799–000]

July 19, 1989.

Take notice that on July 12, 1989, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188 filed in Docket No. CP89–1799–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Centran Corporation (Centran), under the authorization issued in Docket No. CP86–435–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern would perform the proposed interruptible transportation service for Centran, a marketer of natural gas, pursuant to an interruptible transportation agreement IT–1 dated June 1, 1989 (transportation agreement number 72704). The term of the transportation agreement is for two years from the date of initial delivery, and month to month thereafter unless terminated upon 30 days prior written notice to the other party. Northern proposes to transport on a peak day up to 10,000 MMBtu; on an average day up to 7,500 MMBtu; and on an annual basis 3,650,000 MMBtu of natural gas for Centran. It is stated that unless Northern agrees in writing to a lower rate, Centran shall pay Northern each month for transportation service at the maximum rates or charges in effect from time to time under Rate Schedule IT–1, or any effective superseding rate schedule on file with the Commission. Northern proposes to receive the subject gas from various existing receipt points on its system for transportation to various existing delivery points on its system. Northern avers that construction of facilities would not be required to provide the proposed service.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Commission's regulations. Northern commenced such self-implementing service on June 19, 1989, as reported in Docket No. ST89–3945–000.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

10. Colorado Interstate Gas Company

[Docket No. CP89–1800–000]

July 19, 1989.

Take notice that on July 12, 1989, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP89–1800–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for Questar Energy Company (Questar), a marketer of natural gas, under CIG's blanket certificate issued in Docket No. CP86–589, *et al.*, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

CIG proposes to transport, on an interruptible basis, up to 15,000 Mcf of natural gas per day for Questar pursuant to a transportation agreement dated December 1, 1988, between CIG and Questar. CIG would receive gas from various existing points of receipt on its system in Kansas, Wyoming, and Colorado and redeliver equivalent volumes of gas, less fuel gas and lost and unaccounted-for gas, for the account of Questar in Sherman County, Texas.

CIG further states that the estimated average daily and annual quantities would be 5,000 Mcf and 1,825,000 MMcf, respectively. Service under § 284.223 (a) commenced on May 7, 1989, as reported in Docket No. ST89–3560–000, it is stated.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

11. Northern Natural Gas Company Division of Enron Corporation

[Docket No. CP89–1802–000]

July 19, 1989.

Take notice that on July 12, 1989, Northern Natural Gas Company, Division of Enron Corporation (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP89–1802–000, a prior notice request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas for General Atlantic Resources Inc., (General), a producer of natural gas, under the certificate issued in Docket No. CP86–435–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern requests authorization to transport up to 30,000 MMBtu of natural gas per day, pursuant to a May 24, 1989, agreement between Northern and General from receipt points located in New Mexico to delivery points located in Kansas, New Mexico, Oklahoma and Texas. Northern would provide the service to General under the provisions of its Rate Schedule IT–1, it is indicated. Northern further states that the average and annual quantities would be 22,500 MMBtu and 10,950,000 MMBtu, respectively.

Northern states that the transportation of natural gas for General commenced May 24, 1989, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations as reported in Docket No. ST89–3998–000.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

12. Southern Natural Gas Company

[Docket No. CP89–1804–000]

July 19, 1989.

Take notice that on July 12, 1989, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP89–1804–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Hadson Gas Systems, Inc. (Hadson), under Southern's blanket certificate issued in Docket No. CP88–316–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern requests authorization to transport, on an interruptible basis, up to a maximum of 20,000 MMBtu of

natural gas per day for Hadson from receipt points located in Offshore Texas, Offshore Louisiana, Texas, Louisiana, Mississippi and Alabama to delivery points located in Gerogia and Alabama. Southern anticipates transporting an annual volume of 7,300,000 MMBtu.

Southern states that the transportation of natural gas for Hadson commenced May 13, 1989, as reported in Docket No. ST89–3734–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to Southern in Docket No. CP88–316–000.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

13. Colorado Interstate Gas Company

[Docket No. CP89–1833–000]

July 20, 1989.

Take notices that on July 18, 1989, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado, 80944, filed in Docket No. CP89–1833–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for NAGASCO, Inc. (NAGASCO), a marketer of natural gas, under CIG's blanket certificate issued in Docket No. CP86–589, *et al.*, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

CIG proposes to transport, on an interruptible basis, up to 75,000 Mcf of natural gas per day for NAGASCO pursuant to a transportation agreement dated May 3, 1989, between CIG and NAGASCO. CIG would receive gas from various existing points of receipt on its system in Moore County, Texas and redeliver equivalent volumes of gas, less fuel gas and lost and unaccounted-for gas, for the account of NAGASCO in Sweetwater County, Wyoming.

CIG further states that the estimated average daily and annual quantities would be 60,000 Mcf and 22,000,000 Mcf, respectively. Service under § 284.223(a) commenced on May 8, 1989, as reported in Docket No. ST89–3851–000, it is stated.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

14. Colorado Interstate Gas Company

[Docket No. CP89–1822–000]

July 20, 1989.

Take notice that on July 17, 1989, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP89–1822–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Grace Petroleum Corporation (Grace), under the blanket certificate issued in Docket No. CP86–589, *et al.*, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

CIG states that pursuant to a transportation service agreement dated March 1, 1989, under its Rate Schedule TI–1, it proposes to transport up to 10,000 Mcf per day of natural gas for Grace. CIG states that it would transport the gas from various existing points of receipt on its system in Wyoming, and would redeliver the gas, less fuel gas and lost and unaccounted-for gas, for the account of Grace in Beaver County, Oklahoma; Weld and Kiowa Counties, Colorado; Park, Fremont, Sweetwater and Converse Counties, Wyoming; Moore and Sherman Counties, Texas; and Kearny County, Kansas.

CIG advises that service under § 284.223(a) commenced May 19, 1989, as reported in Docket No. ST89–3849–000. CIG further advises that it would transport 10,000 Mcf on an average day and 3.65 Bcf annually.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

15. Williams Natural Gas Company

[Docket No. CP89–1823–000]

July 20, 1989.

Take notice that on July 17, 1989, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP89–1823–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Stone Container-Resources & Energy Division (Stone), a marketer, under the blanket certificate issued in Docket No. CP86–631–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

WNG states that pursuant to a transportation service agreement dated May 15, 1989, under its Rate Schedule ITS, it proposes to transport up to 10,000 MMBtu per day equivalent of natural gas for Stone. WNG states that it would transport the gas from various receipt points in Kansas, Oklahoma and Wyoming, and would deliver the gas to various delivery points on WNG's pipeline system located in Kansas and Missouri.

WNG advises that service under § 284.223(a) commenced June 1, 1989, as reported in Docket No. ST89–4041–000. WNG further advises that it would transport 10,000 MMBtu on an average day and 3,650,000 MMBtu annually.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

16. Columbia Gulf Transmission Company

[Docket No. CP89–1767–000]

July 21, 1989.

Take notice that on July 11, 1989, Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama, Houston, Texas 77027, filed in Docket No. CP89–1767–000 a request pursuant to §§ 157.205 and 284.223(b) of the Federal Energy Regulatory Commission's (Commission) Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service on behalf of Phibro Distributors Corporation (Phibro), a marketer of natural gas, under Columbia Gulf's blanket certificate issued in Docket No. CP86–239–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia Gulf states that pursuant to transportation service agreements dated May 12, 1989, it proposes to receive from Phibro, on an interruptible basis, up to 100,000 MMBtu of natural gas per day at specified points located onshore and offshore Texas and Louisiana, and to redeliver the gas at specified delivery points located onshore and offshore Texas and Louisiana and in Mississippi and Tennessee. The volume anticipated to be transported on a peak day is a maximum of 100,000 MMBtu, and on an average day up to 50,000 MMBtu, and based on an average-day figure, approximately 18,250,000 MMBtu on an annual basis.

Columbia Gulf states that on June 1, 1989, it commenced the transportation service for Phibro under the 120-day automatic authorization provisions of § 284.223(a) of the Commission's Regulations as reported with the Commission in Docket No. ST89–3974–000.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

17. Williams Natural Gas Company

[Docket No. CP89–1826–000]

July 21, 1989.

Take notice that on July 17, 1989, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa Oklahoma 74101, filed in Docket No. CP89–1826–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of The Kansas Power & Light Company (KPL), a local distribution company, under WNG's blanket certification issued in Docket No. CP86–631–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

WNG proposes to transport, on an interruptible basis, up to 100,000 MMBtu equivalent of natural gas on a peak day, 100,000 MMBtu equivalent on an average day and 36,500,000 MMBtu equivalent on an annual basis for KPL. It is stated that WNG would receive the gas for KPL's account at various receipt points on WNG's system in Kansas, Missouri, Oklahoma, Texas, and Wyoming and would deliver equivalent volumes at various points on WNG's system in Kansas, Missouri, Nebraska and Oklahoma. It is asserted that the transportation service would use existing facilities and would not require the construction of additional facilities. It is explained that the transportation service commenced June 1, 1989, under the self-implementing authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST89–4036.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

18. Panhandle Eastern Pipe Line Company

[Docket No. CP89–1829–000]

July 21, 1989.

Take notice that on July 17, 1989, Panhandle Eastern Pipe Line Company (Panhandle) P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP89–1829–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide interruptible transportation service for Boyd Rosene and Associates, Inc. (Boyd), a shipper and marketer of natural gas, under Panhandle's blanket certificate issued in Docket No. CP86–585–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open for public inspection.

Specifically, Panhandle requests authority to transport up to 85,000 dt per day on an interruptible basis, pursuant to a transportation agreement dated May 18, 1989, between Panhandle and Boyd. Panhandle states that the transportation agreement provides for Panhandle to receive gas from various existing points of receipt on its system in the states of Colorado, Kansas, Oklahoma, and Texas. Panhandle states that it would then redeliver subject gas, less fuel used and unaccounted for line loss, to Haven Pool in Reno County, Kansas. Panhandle indicates that the total volume of gas to be transported for Boyd on a peak day would be 85,000 dt; on an average day would be 20,000 dt; and on an annual basis would be 7,300,000 dt. It is further stated that the average day and annual volumes are based upon Boyd's estimates, and the actual volumes are dependent upon Boyd's requirements.

Panhandle states that it commenced the transportation of natural gas for Boyd on June 1, 1989, at Docket No. ST89–4136–000 for a 120-day period pursuant to § 284.223(a)(1) of the Commission's Regulations. Panhandle indicates that it proposes no new facilities in order to provide this transportation service.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

19. Panhandle Eastern Pipe Line Company

[Docket No. CP89–1819–000]

July 21, 1989.

Take notice that on July 17, 1989 Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas, 77251–1642, filed in Docket No. CP89–1819–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas for Union Texas Products Corporation (Union), a shipper and marketer of nautral gas pursuant to Panhandle's blanket certificate issued in Docket No. CP86–585–000 and section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Specifically, Panhandle requests authority to transport up to 20,000 Dt. per day on an interruptible basis on behalf of Union pursuant to a Transportation Agreement dated June 2, 1989 between Panhandle and Union (Transportation Agreement). The Transportation Agreement provides for Panhandle to receive gas from various existing points of receipt on its system. Panhandle will then transport and redeliver subject gas, less fuel used and unaccounted for line loss, to U.T. Chester Plant in Woodward County, Oklahoma.

The Shipper states that the estimated daily and estimated annual quantities would be 20,000 Dt and 7,300,000 Dt., respectively. Service under § 284.223(a) commenced on June 2, 1989, as reported in Docket No. ST89–4050–000.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

20. Northern Natural Gas Company, Division of Enron Corporation

[Docket No. CP89–1803–000]

July 21, 1989.

Take notice that on July 12, 1989, Northern Natural Gas Company, Division of Enron Corporation (Northern), 1400 Smith Street, P.O. Box 1188. Houston, Texas 75251–1188, filed in Docket No. CP89–1803–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide transportation for Sonat Marketing Company (Sonat), a marketer of natural gas, under Northern's blanket certificate issued in Docket No. CP86–435–000 under section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open for public inspection.

Northern states that it proposes to transport, on an interruptible basis, up to 20,000 million Btu of natural gas per day for Sonat from a receipt point in Fort Bend County, Texas and to a delivery point in Haskell, Kansas. Northern anticipates transporting 15,000 million Btu of natural gas on an average day and 7,300,000 million Btu of natural gas on an annual basis. Northern also states that construction of facilities will not be required to provide the proposed service.

Northern states that the transportation of natural gas for Sonat commenced on June 2, 1989, as reported in Docket No. ST89–3970–000, for a 120–day period pursuant to § 284.223 (a)(1) of the Commission's Regulations and the blanket certificate issued to Northern in Docket No. CP86–435–000.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

21. K N Energy, Inc.

[Docket No. CP89–1811–000]

July 21, 1989.

Take notice that on July 14, 1989, K N Energy, Inc. (Applicant), P.O. Box 15265, Lakewood, Colorado, 80215 filed, in

Docket No. CP89–1811–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 205) for authorization to construct and operate three sales taps for delivery of gas to end users under Applicant's blanket certificate issued in Docket No. CP83–140–000, CP83–140–001 and CP83–140–002 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in request which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate three sales taps along its jurisdictional pipeline in the states of Nebraska and Wyoming. Applicant states that the gas would be used for irrigation, grain drying and domestic purposes with maximum daily and annual volumes of 319 Mcf, respectively.

Applicant asserts that the proposed sales taps are not prohibited by any of its existing tariffs and that the additional taps will have no significant impact on Applicant's peak day and annual deliveries.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

22. Northwest Pipeline Company

[Docket No. CP89–1814–000]

July 21, 1989.

Take notice that on July 14, 1989, Northwest Pipeline Corporation (Northwest), 285 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP89–1814–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide a transportation service for Roseburg Forest Products Co., (Roseburg), an end user of natural gas, under Northwest's blanket certificate issued in Docket No. CP86–578–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest proposes to transport natural gas for Roseburg pursuant to the Rate Schedule TI–1, for a term continuing to February 10, 1989, and on a yearly basis thereafter. It is stated that the volumes of natural gas to be transported are 1,800 MMBtu on a peak day, 100 MMBtu on an average day, and 36,500 MMBtu on an annual basis, and that Northwest would transport the subject gas through its system from any transportation receipt point to any transportation delivery point on its system. Northwest states that service under § 284.223(a) commenced on June 10, 1989, as reported in Docket No. ST89–4096–000, filed July 3, 1989.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

23. Williams Natural Gas Company

[Docket No. CP89–1825–000]

July 21, 1989.

Take notice that on July 17, 1989, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP89–1825–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas for Consolidated Fuel Corporation (Consolidated), a marketer, under the blanket certificate issued in Docket No. CP86–631–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Williams proposes to transport on an interruptible basis for Consolidated up to 20,000 MMBtu of natural gas on a peak day, approximately 20,000 MMBtu on an average day, and 7,300,000 MMBtu on an annual basis. Williams states that it would transport this gas from various receipt points in Colorado, Kansas, Oklahoma, Texas and Wyoming to various delivery points on Williams' system in Missouri. Williams explains that service commenced June 8, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST89–4093–000.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

24. Northern Natural Gas Company

[Docket No. CP89–1821–000]

July 21, 1989.

Take notice that on July 17, 1989, Northern Natural Gas Company, Division of Enron Corp., (Northern), 1400 Smith Street, Houston, Texas 77251, filed in Docket No. CP89–1821–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to install a new delivery point to serve Peoples Natural Gas Company, Division of Utilitcorp United Inc. (Peoples), under its blanket authorization issued in Docket No. CP82–401–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern proposes to install a new delivery point in order to serve Peoples' residential resale natural gas customers in the Barrington Lake subdivision of Dubuque County, Iowa. Northern proposes to deliver up to 138 Mcf on a peak day and 15,873 Mcf on an annual basis to Peoples. Northern also states that its deliveries to Peoples would be within the firm entitlements authorized for Peoples on April 7, 1989, in Docket No. CP89–677–000.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

25. Northwest Pipeline Company

[Docket No. CP89–1810–000]

July 21, 1989.

Take notice that on July 14, 1989, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP89–1810–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas under its blanket certificate issued in Docket No. CP86–578–000 pursuant to section 7 of the Natural Gas Act for Union Pacific Resources Company (Union Pacific), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest proposes to transport gas for Union Pacific, on an interruptible basis, pursuant to a transportation agreement dated May 29, 1989, as amended June 19, 1989. Northwest explains that service commenced June 11, 1989, under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST89–4097–000. Northwest further explains that the peak day quantity would be 15,000 MMBtu, the average daily quantity would be 10,000 MMBtu, and that the annual quantity would be 3,650,000 MMBtu. Northwest explains that it would receive natural gas for Union Pacific's account from various sources and interconnects with other pipeline companies in Wyoming, Colorado, Utah, Oklahoma, Washington, and Oregon and would redeliver the gas for Union Pacific's account at essentially all the delivery points located on Northwest's system in Oregon, Idaho, Colorado, Utah, Washington, and Wyoming.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

26. Williams Natural Gas Company

[Docket No. CP89–1824–000]

July 21, 1989.

Take notice that on July 17, 1989, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa Oklahoma 74101, filed in Docket No. CP89–1824–000 a

request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide transportation for Mountain Iron & Supply Company (Mountain Iron), a marketer of natural gas, under WNG's blanket certificate issued in Docket No. CP86–631–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

WNG requests authorization to transport natural gas on an interruptible basis for Mountain Iron from various points of receipt in Kansas and Oklahoma to various delivery points on WNG's pipeline system located in Kansas and Missouri. WNG states that the volumes of natural gas to be transported would be 1,000 MMBtu on a peak day, 1,000 MMBtu on an average day, and 365,000 MMBtu on an annual basis. WNG further states that transportation under § 284.223(a) of the Commission's Regulations commenced June 1, 1989, as reported in Docket No. ST89–4040–000.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

27. El Paso Natural Gas Company

[Docket No. CP89–1816–000]

July 21, 1989.

Take notice that on July 14, 1989, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978 filed a request for authorization at Docket No. CP89–1816–000, pursuant to §§ 157.205 and 284.223 of the Commission's Regulations Under the Natural Gas Act, to provide interruptible transportation service for Gulf Gas Utilities Company (Shipper), under its blanket certificate issued at Docket No. CP88–433–000, all as more fully set forth in the request for authorization on file with the Commission and open for public inspection.

El Paso requests authority to transport up to 79 MMBtu of natural gas per day for Shipper from any point of receipt on El Paso's system to a point of delivery in the State of New Mexico. El Paso states that the estimated daily and annual quantities would be 79 MMBtu and 28,835 MMBtu, respectively. El Paso further states that transportation service under § 284.223(a) commenced on June 15, 1989, as reported at Docket No. ST89–4098–000.

Comment date: September 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89–17756 Filed 7–28–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TA89–1–31–003, TQ89–3–31–002, RP89–62–002]

Arkla Energy Resources; Filing of Revised Tariff Sheets, Reflecting Tariff Adjustment and Take-or-Pay Recovery

July 24, 1989

Take notice that on July 19, 1989, Arkla Energy Resources (AER), a division of Arkla, Inc., tendered for filing the tariff sheets listed on Appendix A, attached to the filing.

AER states that its revised tariff sheets reflect revisions to its PGA clause to more clearly describe the direct billing to Williams Natural Gas Company that was approved by Commission order dated March 31, 1989, also revisions to clarify the determination of demand costs in the total rate under Rate Schedule G-2 and corrections of clerical errors in the tariff sheets filed in its PGAs effective April 1, 1989 and July 1, 1989.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with sections 211 Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before July 31, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89–17746 Filed 7–28–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TA89–1–4–004 and TQ89–7–4–001]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

July 24, 1989.

Take notice that on July 18, 1989, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021 tendered for filing the revised tariff sheets listed below in its FERC Gas Tariff, First Revised Volume No. 1 containing changes in rates for effectiveness on the dates shown below:

Proposed Effective Dates

Substitute Twenty-Third Revised Sheet No. 7, January 1, 1989.
Second Substitute Twenty-Fourth Revised Sheet No. 7, February 1, 1989.
Second Substitute Twenty-Fifth Revised Sheet No. 7, April 1, 1989.
Second Substitute Twenty-Sixth Revised Sheet No. 7, May 1, 1989.
Substitute Twenty-Seventh Revised Sheet No. 7, July 1, 1989.

According to Granite State the revised tariff sheets are submitted in compliance with an order terminating a technical conference in Docket No. TA89–1–4–000, *et al.*, issued June 22, 1989, and a letter order in Docket No. TQ89–7–4–000, issued July 7, 1989. Granite State states that the June 22, 1989 order resulted from a review of its first annual purchased gas cost filing, including an examination of Granite State's accounting in its deferred purchase gas cost accounts for imbalances in transportation service deliveries. It is stated that the order terminating the technical conference directed Granite State to remove from its deferred purchase gas cost accounts the carrying charges on transportation gas volumes not delivered and to recalculate the surcharge adjustments for deferred purchase gas costs accordingly. It is further stated that the July 7, 1989 letter order, relating to Granite State's quarterly purchased gas adjustment, effective July 1, 1989, directed Granite State to refile the tariff sheet stating the revised rates in that filing to correct the Current Adjustment applicable to its Rate Schedule CD–2 rates.

Granite State further states that copies of its filing were served upon its customers, Bay State Gas Company and Northern Utilities, Inc., and the

regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such protests should be filed on or before July 31, 1989. Protests will be considered by the Commission in determinng the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-17747 Filed 7-28-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-5-16-001]

National Fuel Gas Supply Corp.; Filing

July 24, 1989.

Take notice that on July 18, 1989, National Fuel Gas Supply Corporation (National) filed Substitute Second Revised Sheet No. 71-D and Substitute Third Revised Sheet No. 72-D to its FERC Gas Tariff, First Revised Volume No. 1, to be effective August 1, 1989.

National states that these tariff sheets correct the take-or-pay principal amount and total monthly allocation attributable to Tennessee Gas Pipeline Company's take-or-pay costs.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1988)). All such protests should be filed on or before July 31, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-17748 Filed 7-28-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-1830-000]

Texas Gas Transmission Corp; Request Under Blanket Authorization

July 24, 1989.

Take notice that on July 18, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89-1830-000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of TXG Gas Marketing Company (TXG) under Texas Gas' blanket certificate issued in Docket No. CP88-686-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas requests authorization to transport, on an interruptible basis, up to a maximum of 70,000 MMBtu of natural gas per day for TXG from receipt points located in Arkansas, Illinois, Indiana, Kentucky, Louisiana, offshore Louisiana, Ohio, Texas and offshore Texas to delivery points located in Louisiana. Texas Gas anticipates transporting, on an average day 5,000 MMBtu and an annual volume of 2,007,500 MMBtu.

Texas Gas states that the transportation of natural gas for TXG commenced June 2, 1989, as reported in ST89-4055-000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to Texas Gas in Docket No. CP88-686-000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89-17749 Filed 7-28-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-1808-000]

Transco Energy Ventures Co.; Petition for Declaratory Order

July 24, 1989.

Take notice that on July 13, 1989, Transco Energy Ventures Company (Tevco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP89-1808-000, a petition for an order declaring that a certain activity as proposed by Tevco is a temporary act or operation for which the issuance of a certificate under section 7(c) of the Natural Gas Act (NGA) is not required in the public interest and is therefore exempt from the requirements of that section. The activity, it is stated, for which Tevco seeks the exemption is the operational field testing of a new prototype low cost, high efficiency compressor design at Transcontinental Gas Pipe Line Corporation's (Transco) Compressor Station 100 in Chilton County, Alabama, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

It is stated that Tevco, in conjunction with Pipeline Compressor Systems, Inc, has designed and developed a new high efficiency, low cost 8,000 horsepower monobloc gas pipeline compressor. It is also stated that a prototype of this compressor design has been constructed and undergone complete and extensive full load factory testing. Tevco states that it is now prepared to perform final testing and evaluation of the compressor under actual field operating conditions and upon the successful completion of such testing, to begin commercial manufacture and marketing of this new low cost compressor.

Tevco states that the Monobloc compressor represents an advancement in pipeline compressor technology resulting in significant savings in capital and operating and maintenance costs over conventional compressor systems. Tevco states that the compressor is comprised of a high speed, high efficiency induction motor driving two separate compressor sections. It is explained that the motor's rotor is supported by extremely low friction magnetic radial and thrust bearing and is driven by a solid state variable frequency drive system. Also, it is explained, the compressor's controls include valve sequencing, auto start/shutdown and various system monitoring and shutdown devices.

Tevco states that it has caused extensive in-house factory testing of the Monobloc to be performed; however, prior to introduction to market, the Monobloc must be tested under actual

operating conditions for a period of approximately three to five years to evaluate the system's reliability. It is stated that Transco has agreed to permit Tevco to place in service and test the Monobloc at Compressor Station 100 on Transco's pipeline located in Chilton County, Alabama.

Tevco maintains that the testing of the Monobloc is a temporary and minor operation. Tevco explains that the Monobloc's testing will be temporary, three to five years depending upon the initial degree of success of the test. Tevco also explains that the test is a minor operation in that it affects only one compressor station on Transco's pipeline and will not require the replacement or removal of any existing equipment. It is further explained that testing of the Monobloc will have no effect on Transco's rates. It is stated that Tevco and Transco have entered into a lease arrangement to facilitate the testing of the Monobloc and that Transco has agreed to pay Tevco an amount equal to the cost Transco would have otherwise incurred in operating its own compressor equipment. It is also stated that Transco's ratepayers will not bear any costs associated with system design, prototype construction, equipment procurement, site preparation, installation or operation and maintenance of the Monobloc compressor. In addition, it is stated that the Monobloc compressor will be installed in parallel with Transco's existing equipment which will serve as a back-up should the Monobloc experience a failure or be shut down for evaluation or maintenance. It is stated that should the need arise, Transco's existing equipment can immediately be placed on line without affecting service.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 14, 1989, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene.

Lois D. Cashell,

Secretary.

[FR Doc. 89-17750 Filed 7-28-89; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the procedures for disbursement of $1,078,000,000, plus accrued interest, in crude oil violation amounts obtained from Texaco Inc., Case No. KFX-0066. The OHA has determined that the funds will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986).

DATE AND ADDRESS: Applications for refund must be filed in duplicate by October 31, 1989, or 90 days after the publication of this Notice in the **Federal Register**, whichever is later, and should be addressed to: Subpart V Crude Oil Overcharge Refunds, Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-2860.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision sets forth the final procedures that the DOE has formulated to distribute crude oil overcharge funds obtained from Texaco Inc. pursuant to a Consent Order made final on August 29, 1988. The first installment of these funds is being held in an interest-bearing escrow account pending distribution by the DOE and future installments will be remitted to the DOE over the next five years.

The OHA has decided to distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986) (the MSRP). Under the MSRP, crude oil overcharge monies are divided among the states, the federal government, and injured purchasers of refined petroleum products. Refunds to the states will be distributed in proportion to each state's consumption of petroleum products during the period of price controls. Refunds to eligible purchasers will be based on the number of gallons of petroleum products which they purchased and the extent to which they can demonstrate injury.

Applications for refund must be filed in duplicate by October 31, 1989 or 90 days after the publication of this Notice in the **Federal Register**, whichever is later, and should be sent to the address set forth at the beginning of this notice. The information which claimants should include in their applications is explained in the Decision which immediately follows. Any claimant that has already filed a crude oil refund application need not file again.

Date: July 25, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 25, 1989.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of Firm: Texaco Inc.

Case Number: KFX-0066.

Date of Filing: September 28, 1988.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special refund procedures pursuant to the guidelines set forth in 10 CFR Part 205, Subpart V (Subpart V). *See* 10 CFR 205.281. These procedures are used to refund monies to those injured by actual or alleged violations of the DOE price and allocation regulations where the identity of such persons or the amount of their refunds cannot be readily ascertained by the ERA. *See Office of Enforcement*, 9 DOE ¶ 82,508 (1981); *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

On September 28, 1988, the ERA filed a Petition for the Implementation of Special Refund Procedures to distribute funds received from Texaco Inc. (Texaco) under the terms of an August 29, 1988 consent order with Texaco. Pursuant to the terms of the consent order, Texaco is required to remit a total of $1,198,000,000 to the DOE for distribution in accordance with 10 CFR Part 205, Subpart V.[1] On September 28, 1988, Texaco remitted to the DOE an initial payment of $348 million which was deposited in an interest-bearing escrow account maintained by the U.S. Treasury. As of June 30, 1989,

[1] In accordance with the terms of the consent order, Texaco has also remitted $52,000,000 to the United States District Court of the District of Kansas in settlement of its obligations in the DOE Stripper Well Exemption Litigation, M.D.L. 378.

$20,285,608.77 in interest had accrued on this amount. As stated in the consent order, Texaco has agreed to pay the balance of its obligation in accordance with the following timetable:

(a) $190 million plus accrued interest within 18 months of the effective date of the consent order.

(b) 4 annual payments of $165 million plus accrued interest.

On March 24, 1989, the OHA issued a Proposed Decision and Order (PDO) tentatively establishing Subpart V procedures for the distribution of the Texaco consent order fund. *Texaco Inc.*, 54 FR 13420 (April 3, 1989). This Decision and Order finalizes the procedures to be used for distributing that portion of the Texaco consent order funds which is attributable to alleged crude oil violations.

I. Background

On July 28, 1986, the DOE issued a Modified Statement of Restitutionary Policy concerning crude oil overcharges. 51 FR 27899 (August 4, 1986) ("the MSRP"). The MSRP, which was issued as a result of a court-approved Final Settlement Agreement in *In Re: The Department of Energy Stripper Well Exemption Litigation*, M.D.L. 378 (D. Kan.), provides that crude oil overcharge monies will be divided among the states, federal government, and injured purchasers of refined petroleum products. Under the MSRP, up to 20 percent of these crude oil overcharge monies may be reserved initially to satisfy valid claims by injured purchasers of crude oil and refined petroleum products. Eighty percent of the funds, and any monies remaining after all valid claims are paid, are to be disbursed equally to the states and federal government for indirect restitution.

The OHA has decided to apply the MSRP in all Subpart V proceedings involving alleged crude oil violations. *See* Order Implementing the MSRP, 51 FR 29689 (August 20, 1986). That Order provided a period of 30 days for the filing of any objections to the application of the MSRP, and solicited comments concerning the appropriate procedures to follow in processing refund applications in crude oil refund proceedings.

On April 6, 1987, the OHA issued a Notice analyzing the numerous comments which it received in response to the August 1986 Order. 52 FR 11737 (April 10, 1987). The Notice set forth generalized procedures and provided guidance to assist claimants that wish to file refund applications for crude oil monies under the Subpart V regulations. All applicants for refunds would be required to document their purchase volumes of petroleum products during the period of price controls and prove that they were injured by the alleged crude oil overcharges. The Notice indicated that end-users of petroleum products whose businesses were unrelated to the petroleum industry will not be presumed to have absorbed the crude oil overcharges, and need not submit any further proof of injury to receive a refund. Finally, we stated that refunds would be calculated on the basis of a per-gallon refund amount derived by dividing crude oil violation amounts by the total consumption of petroleum products in the United States during the period of price controls. The numerator would include the crude oil overcharge monies that were in the DOE's escrow account at the time of the settlement and a portion of the funds in the MDL 378 escrow at the time of the settlement.

The DOE has applied these procedures in numerous cases since the April 1987 Notice, *see, e.g., Shell Oil Co.*, 17 DOE ¶ 85,204 (1988), and *Ernest A. Allerkamp*, 17 DOE ¶ 85,079 (1988), and these procedures have been approved by the United States District Court for the District of Kansas. Various States had filed a motion with that Court, claiming that the OHA had violated the Settlement Agreement by employing presumptions of injury and by improperly calculating the refund amount to be used in this proceeding. On August 17, 1987, the Court issued an Opinion and Order denying the States' motion in its entirety. The court concluded that the Settlement Agreement "does not bar OHA from permitting claimants to employ reasonable presumptions in affirmatively demonstrating injury entitling them to a refund." *In Re: The Department of Energy Stripper Well Exemption Litigation*, 671 F. Supp. 1318, 1323 (D. Kan. 1987). The court also ruled that, as specified in the April 1987 Notice, the OHA could calculate refunds by including a portion of the M.D.L. 378 overcharges. The latter ruling was affirmed by the Temporary Emergency Court of Appeals. *In Re: The Department of Energy Stripper Well Exemption Litigation*, 857 F. 2d 1481 (Temp. Emer. Ct. App. 1988).

II. The Proposed Decision and Order

As stated above, on March 24, 1989, the OHA issued a Proposed Decision and Order tentatively establishing procedures for the distribution of the $1,198,000,000 Texaco consent order fund, plus interest. In the PDO, we proposed to divide the consent order fund into two pools: a refined product pool consisting of $120,000,000 plus accrued interest, and a crude oil pool of $1,078,000,000 plus accrued interest. We believed this was the most reasonable way to divide the funds and it was consistent with the division suggested by ERA in its Notices announcing the signing and finalization of the Texaco consent order. *See* 53 FR 15106 (April 27, 1988); 53 FR 32929 (August 29, 1988). The refined product pool would be made available to purchasers of Texaco refined products who demonstrate that they were injured as a result of Texaco's alleged regulatory violations in the sale of these products. Additionally, we proposed that the total refined product amount be taken out of Texaco's initial payment of $348 million. We further proposed that the crude oil pool would be distributed in accordance with the MSRP and the April 1987 Notice. We proposed that the crude oil fund would be comprised of $228 million from Texaco's initial payment and all future payments received from Texaco. In this Decision and Order, we will establish procedures for distributing the Texaco crude oil pool only. Procedures for the distribution of the refined product pool will be issued at a future date.[2]

Pursuant to the MSRP, the OHA proposed in the PDO to reserve initially 20 percent of the crude oil pool for direct restitution to applicants who claim that they were injured by the alleged crude oil violations. The remaining 80 percent of the funds would be distributed to the state and federal governments for indirect restitution. After all valid claims are paid, any remaining funds in the individual crude oil claims reserve also would be divided equally between the states and federal governments. The federal government's share ultimately would be deposited in the general fund of the Treasury of the United States.

In the PDO, the OHA proposed to require applicants for refunds from the crude oil pool to document their purchase volumes of petroleum products during the period of price controls and to prove that they were injured by the alleged crude oil overcharges. We stated that end-users of petroleum products whose businesses are unrelated to the petroleum industry could use a presumption that they absorbed the crude oil overcharges, and need not submit further proof of injury to receive a refund. The OHA also proposed to calculate refunds on the basis of a per

[2] In addition, this Decision does not consider proposed requirements for refund applications submitted by filing services and other representatives. *See* PDO Part IV. Those proposals, if adopted, will apply only to applications submitted in the Texaco refined product proceeding.

gallon volumetric refund amount derived by dividing the amount of funds in the crude oil pool by the total consumption of petroleum products in the United States during the period of price controls.[3] Finally, we proposed to combine the Texaco crude oil volumetric refund amount with all of the volumetric refund amounts obtained in each crude oil refund proceeding implemented to date under the MSRP. Comments were solicited regarding the tentative distribution process set forth in the Proposed Decision.

III. Discussion of Comments Received

In response to the Proposed Decision, the OHA received written submissions from state governments, a number of law firms, and several other representatives of potential claimants in this proceeding. In addition, on June 27, 1989, we held a public hearing at which oral testimony was presented regarding the proposed procedures. Only those comments which concern the disbursement of the crude oil pool will be considered in this Decision.

Several firms commented regarding the proper amounts of monies to be reserved for the crude oil and refined product pools. Two of the commenters, Energy Refunds Inc. (ERI) and the National Association of Texaco Wholesalers (NATW) contend that the refined product pool should be increased and the crude oil pool decreased. The NATW, an organization that represents present and former Texaco consignees and wholesalers, bases its position on the fact that the States have already been granted "extremely substantial refunds" as a result of the Stripper Well Settlement. Furthermore, the NATW contends that our proposed division of monies ignores numerous complaints filed with the DOE by petroleum product resellers that alleged that Texaco violated the Mandatory Price and Allocation Regulations pertaining to refined products. These alleged violations, the NATW claims, resulted in Texaco product resellers incurring a greater injury than refund applicants in previous Subpart V proceedings. According to the NATW, the present division of funds would be insufficient to compensate purchasers of Texaco refined products for that injury. Finally, the NATW argues that increasing the size of the refined product pool would not lessen the amount of money available to the states and federal government for indirect restitution since they would receive any excess funds after all direct claims have been paid. ERI contends that since the ERA, in its Notice announcing the signing of the Texaco consent order, determined that the maximum liability for alleged refined product violations was approximately 16 percent of its total maximum liability, the refined product pool should be increased from the proposed amount of $120,000,000 to $200,091,996, which is approximately 16 percent of the total consent order fund.

In contrast, one commentor, attorney Philip Kalodner (Kalodner), contends that the proposed crude oil pool is not large enough and the refined products pool is too large. Kalodner, who represents various end-users in the crude oil refund proceeding, asserts that a Proposed Remedial Order (PRO) issued to Texaco on May 12, 1987 (Case No. NTXROOA1), alleged violations responsible for 80 to 90 percent or more of Texaco's refined product overcharge liability. That PRO was never finalized. In contrast, he maintains the vast majority of the alleged crude oil overcharges by Texaco were the subject of a final Remedial Order. *See Texaco Inc.*, 14 DOE ¶ 83,037 (1986).[4] Kalodner concludes that the refined product pool should be reduced to $60 million and crude oil pool increased to $1,138,000,000.

We do not agree with the contentions raised in support of either increasing or decreasing the monies in the crude oil and refined product pools. Each one is flawed by self-serving arguments. Initially, it is important to reiterate our position stated in the PDO that the Texaco consent order is a negotiated compromise of all alleged violations, both known and unknown, and not a dollar for dollar settlement of the outstanding DOE enforcement proceedings involving Texaco. In the process of negotiating the consent order, the ERA evaluated the allegations raised against Texaco, and entered into a settlement that it believed fairly concluded all administrative and legal proceedings, as well as accounted for unknown allegations, litigation risks and interest payments since the date of alleged violation. *See PDO*, 54 FR at 13421 n.4; Notice of Final Consent Order with Texaco Inc., 53 FR 32929, 32931 (August 29, 1988). Accordingly, it is not proper for the commentors to attempt to rely on individual remedial orders, either proposed or final, as the sole basis for the composition of the crude oil and refined product pools. None of these proceedings had finality in any sense. Moreover, the Texaco settlement includes potential violations that have not yet ripened into enforcement documents and may not have been previously considered. None of the commentors considers the impact of these unspecified violations, and therefore, their estimates of the proper size of the crude oil and refined product pools are inadequate.[5]

Furthermore, we reject the NATW's contention that the crude oil pool should be decreased since the States (and the federal government) have already been compensated under the Stripper Well Settlement Agreement. The receipt of a portion of the Texaco crude oil monies by the state and federal governments is in no way intended to compensate these entities for their purchases of refined petroleum products on which overcharges occurred. Instead, these funds are intended to provide *indirect* restitution through state energy programs and deposits into the federal Treasury. Distribution of crude oil monies in this way has been recognized as an equitable and efficient way to provide restitution to the unidentified (and unidentifiable) purchasers of refined petroleum products. *See In Re: The Department of Energy Stripper Well Exemption Litigation* 653 F.Supp. 108 (D. Kan. 1986) (approving Settlement Agreement); *MSRP*, 51 FR. 27901. The fact that the states and the federal governments have served as a conduit for indirect restitution in no way precludes them from also serving as an effective channel for restitution for the

[3] As a number of commenters on the proposed procedures pointed out, in calculating the proposed Texaco crude oil volumetric refund amount, we erroneously used in the numerator only the 20 percent of the crude oil pool reserved for individual claimants. This error has been corrected in this Decision and Order. *See* Part IV.A., *infra*.

[4] Kalodner argues that it is likely that the DOE would have prevailed in Texaco's appeal of the Remedial Order since its basic position was accepted by the Temporary Emergency Court of Appeals in *DOE v. Louisiana*, 90 F. 2d 180 (Temp. Emer. Ct. App. 1982).

[5] Additionally, Kalodner's claim that a single PRO issued on May 12, 1987 represents the large majority of alleged refined product violations ignores the issuance of at least five Remedial Orders that involved allegations of substantial violations of the price regulations in Texaco's sales of refined products. *See Texaco Inc.*, 14 DOE ¶ 83,016 (1986) (Case No. HRO–0012) ($142,783,783 in overcharges alleged for violations in pricing and cost recoveries relating to motor gasoline and No. 2 fuel oil); 14 DOE ¶ 83,034 (1986) (Case No. HRO–0272) ($810,813.56 in overcharges for violations in pricing of motor gasoline and distillates); 14 DOE ¶ 83,047 (1986) (Case No. HRO–0273) ($1,499,761.41 in overcharges for violations in pricing of motor gasoline and distillates); 15 DOE ¶ 83,003 (1986) (Case No. HRO–0032) ($163,079.47 in overcharges for misapplication of the equal application rule in sales of NGLPs); 15 DOE ¶ 83,027 (1987) (Case No. HRO–0275) ($1,148,378.55 in overcharges for violations in the pricing of propane and $275,821.81 in cost overrecoveries); 16 DOE ¶ 83,016 (1987) (Case No. HRO–0276) ($101,324.97 in overcharges for violations in sales of propane).

Texaco crude oil funds. [6] Accordingly, we are not persuaded to increase or decrease the size of the crude oil pool. The proposed division suggested by ERA is in our opinion the most equitable split of the Texaco consent order fund and is made in recognition of both the known and unknown alleged violations committed by Texaco.

Another issue raised by commenters involves the 20 percent reserve amount we proposed for individual crude oil claims. Kalodner argues that the reserve should be increased in order to guarantee the principle of "full parity" for all refund claimants. [7] Based upon his calculations, the 20 percent reserve amount from this and other crude oil refund proceedings will not be sufficient to guarantee full parity for crude oil refund applicants.

We have repeatedly considered similar claims by Kalodner and have not found them convincing. *See, e.g., Shell Oil Co.* 17 DOE ¶ 85,204 (1988); *Hood Goldsberry*, 18 DOE ¶ 85,902 at 89,476 (1989). The Settlement Agreement specifically requires that no more than 20 percent of the total escrowed funds be reserved to pay direct claims and permits only downward adjustment of the reserve from the initial 20 percent figure. Settlement Agreement ¶ IV.B.6 The 20 percent reserve amount provides sufficient funds for direct restitution, and Kalodner's concern that additional funds will be needed to pay valid claims is unwarranted. [8] Consequently, we will not reserve more than 20 percent of the Texaco crude oil pool for payments of claims, but, instead, will adopt our proposal to reserve the full 20 percent.[9]

One commenter, Michael O'N. Barron (Barron), requests that claimants who purchased crude oil directly from Texaco during the period of controls be allowed to receive a per gallon refund greater than the volumetric amount afforded to applicants whose claims are based on purchases of refined petroleum products. The OHA's procedures for granting refunds based upon direct purchases of crude oil are explained in *New York Petroleum Inc./Ashland Oil Inc.*, 16 DOE ¶ 85,613 (1987) (*New York Petroleum/Ashland*), and *Concoco Inc./Delmarva Power*, 17 DOE ¶ 85,622 (1988) (*Conoco/Delmarva*). As those cases indicate, crude oil overcharges tend to be different in type and magnitude from refined product overcharges, and imputation of a volumetric amount is not necessarily appropriate. Calculation of a refund amount for direct purchasers of crude oil is instead determined by the circumstances of the particular case. [10] We will therefore not calculate a separate volumetric refund factor for direct purchasers of crude oil.

Finally, ERI contends that resellers and retailers who filed late claims for refunds from the Stripper Well escrow accounts in Kansas should be able to receive crude oil refunds from oil overcharge funds held by the DOE without providing a detailed demonstration of injury as proposed in the PDO. To support its contention, ERI notes that resellers and retailers did not have to prove injury in order to receive refunds from the Stripper Well escrows. The firm also refers to the words of United States District Court Judge Frank Theis, who stated that "any claimant who has filed a late claim is not without a remedy. Resellers who forego filing claims under the Resellers Order may be eligible for refunds by the Department of Energy's Office of Hearings and Appeals." *In Re: The Department of Energy Stripper Well Exemption Litigation, slip op.* at 2 (D. Kan April 7, 1987). According to ERI, because Judge Theis did not state that reseller claimants needed to demonstrate injury, the OHA should not require an injury showing in a proceeding referred to by Judge Theis as the proper forum for resellers to seek a refund. Furthermore, ERI contends that a detailed demonstration of injury is "unreasonable and unattainable" for resellers, and that the OHA has already been presented with sufficient evidence in the Stripper Well proceeding to conclude that resellers were inured by crude oil overcharges. ERI's March 31, 1989 comments at 2.

We are not persuaded by ERI's comments. ERI misreads Judge Theis' comments. While he noted untimeliness in applying to the Resellers Escrow was not fatal, he simply offered another avenue. He did not predict success or prescribe that the more beneficial standards for disbursements from the Resellers Escrow be applied. Nor did he prescribe that the same standards that applied to end-user applicants in the Subpart V proceeding be applied to resellers who applied in that proceeding. In fact, the Stripper Well Settlement Agreement, which was specifically approved by Judge Theis, requires that crude oil monies in the DOE escrows be distributed in accordance with traditional Subpart V procedures, and that "each claimant must affirmatively demonstrate that it had been injured by the alleged [crude oil] violation[s] . . ." *See Stripper Well Settlement Agreement* ¶ VI.B.1.; *see also* 10 CFR § 205.280 (refunds to be made to "injured persons"). In the case of resellers, we have stated on numerous occasions that a showing of injury requires a demonstration that the alleged overcharges were absorbed and not passed through to their customers. *See, e.g.*, April 10 Notice 52 FR at 11742; *Robert H. Bennett*, 18 DOE ¶85,270 (1988).[11]

IV. The Refund Procedures

A. Refund Claims

After considering the comments received, we have concluded that

[6] Additionally, the NATW is incorrect in its claim that an increase in the size of the refined product pool would have no adverse effect other than to delay the states' receipt of these funds. If the NATW's request were granted the refined product volumetric refund amount would be increased. This would result in a larger per gallon refund amount for each successful product applicant and a corresponding reduction in the amount of money available for direct and indirect restitution for crude oil overcharges.

[7] The full parity approach of calculating the crude oil volumetric includes in the numerator of the volumetric the $1.4 billion in the M.D.L. 378 escrow account at the time of settlement minus the $415 million awarded to refiners, retailers and resellers plus the crude oil overcharge payments that were in the DOE's escrow account at the time of the Settlement Agreement and subsequent crude oil settlement amounts. This approach was adopted to compensate refund recipients in the M.D.L. 378 and Subpart V proceedings on an equal basis. This approach most fairly and equitably effectuates restitution for the injury they suffered as a result of crude oil overcharges and is also the most administratively efficient since it tends to eliminate repetitive reapplications and obviates the need to consider pesky issues of upstream overcharge absorption. *See* April 1987 Notice, 52 FR 11741.

[8] For this reason, we will not follow Kalodner's suggestion that we petition the M.D.L. 378 Court for permission to increase the reserve.

[9] The States, which in prior proceedings have requested that we reduce the reserve amount, in the present case simply request that we reduce the 20 percent reserve amount if we determine that less than that amount is necessary to pay direct claimants. It continues to be our position that we will reduce the reserve amount if we determine that the full 20 percent is not needed to pay direct claimants.

[10] In *New York Petroleum/Ashland*, the claimant relied upon the finding of a Remedial Order which stated an overcharge amount for the purchases made by the claimant. In *Conoco/Delmarva*, the claimant was an end-user of crude oil that was not a party to any remedial action taken against the firm. In order to determine an appropriate refund, we calculated a volumetric based on the total dollar amount of the crude oil pool divided by the total gallons of crude oil sold by the consent order firm. In both cases, the applicant was responsible for demonstrating that it was injured by its purchases from the consent order firm.

[11] As indicated in Part IV.A *infra*, resellers may attempt to prove injury through the use of econometric evidence of the type that was submitted in the Stripper Well evidentiary hearing. ERI has not, however, stated that it intends to make such a showing for resellers in its comments on the PDO.

$1,078,000,000 of the consent order amounts covered by this Decision, including $228 million of the Texaco funds currently available, plus interest, should be distributed in accordance with the crude oil refund procedures proposed in the PDO.[12] As indicated in Part III *supra*, we have decided to reserve initially the full 20 percent of the $228 million crude oil violation portion of Texaco's initial payment to the DOE, or $45,600,000, plus interest,[13] for direct refunds to claimants. The amount of the reserve may be adjusted downward later if circumstances warrant.

The process which the OHA will use to evaluate claims based on alleged crude oil violations will be modeled after the process the OHA has used in Subpart V proceedings to evaluate claims based on alleged refined product overcharges, *MAPCO, Inc.*, 15 DOE ¶85,097 (1986); *Mountain Fuel Supply Co.*, 14 DOE ¶85,475 (1986) (Mountain Fuel). As in non-crude oil cases, applicants will be required to document their purchase volumes and demonstrate that they were injured. Following Subpart V precedent, reasonable estimates of purchase volumes may be submitted. *Greater Richmond Transit Co.*, 15 DOE ¶85,028 (1986). Generally, it is not necessary for applicants to identify their suppliers of petroleum products in order to receive a refund. End-users of ultimate consumers of petroleum products whose businesses are unrelated to the petroleum industry and who were not subject to the DOE price regulations are presumed to have absorbed rather than passed on alleged crude oil overchargers. In order to receive a refund, end-users need not submit any further evidence of injury beyond volumes of product purchased. The end-user presumption of injury is rebuttable, however. *Berry Holding Co.*, 16 DOE ¶85,405 at 88,797 (1987). If an interested party submits evidence which is of sufficient weight to rebut the end-user presumption, the applicant will be required to produce further evidence of injury.

Resellers and retailers of petroleum products must submit detailed evidence of injury, and may not use presumptions of injury established by the OHA in refund cases involving refined petroleum products.[14] They can, however, use econometric evidence of the type employed in the OHA Report to the District Court in the Stripper Well Litigation, 6 Fed. Energy Guidelines ¶90,507 (June 19, 1985). *See* Petroleum Overcharge Distribution and Restitution Act of 1986, section 3003(b)(2), 15 U.S.C. 4502.

Applicants who executed and submitted a valid waiver pursuant to one of the escrows established in the Settlement Agreement have waived their rights to apply for crude oil refunds under Subpart V. *See Mid-America Dairymen, Inc.* v. *Herrington*, 3 Fed. Energy Guidelines ¶26,617 (Temp. Emer. Ct. App. 1989); *accord, Boise Cascade Corp.*, 18 DOE ¶85,970 (1989).

Refunds to eligible claimants who purchased refined petroleum products will be calculated on the basis of a volumetric refund amount derived by dividing the crude oil violation amount currently available ($228 million) by the total consumption of petroleum products in the United States during the period of price controls.[15] The volumetric refund amount calculated in this manner is $0.0001128 per gallon. In paying claims, we will combine all of the volumetric refund amounts obtained in each crude oil refund proceeding implemented to date under the MSRP. The total per gallon volumetric refund amount available as calculated prior to addition of the Texaco crude oil funds was $0.0009835267. *See Hood Goldsberry*, 18 DOE ¶85,902 (1989). That figure has now increased to $0.0011076067.[16] A crude oil refund applicant will be required to submit only one application for all crude oil overcharge amounts for which procedures have been implemented to date. Any party that has previously submitted a refund application in crude oil refund proceedings need not file another application; that application will be deemed to be filed in all crude oil proceedings finalized to date. To apply for a crude oil refund, applicants should submit the following information before October 31, 1989 or 90 days from the date of publication of this Decision in the **Federal Register**, whichever is later:[17]

(1) Identifying information including the applicant's name, addres, and social security number or employer identification number, an indication whether the applicant is a corporation, the name and telephone number of a person to contact for any additional information, and the name and address of the person who should receive the refund check;

(2) A short description of the applicant's business and how it used petroleum products. If the applicant did business under more than one name, or a different name during the period of price controls, the applicant should list these names;

(3) If the applicant's firm is owned by another company, or owns other companies, a list of those other companies' names and their relationships to the applicant's firm;

(4) A statement identifying the petroleum products which the applicant purchased during the period August 19, 1973, through January 27, 1981, the number of gallons of each product purchased during each year of that period, and the total number of gallons for all products purchased on which the applicant bases its claim;

(5) An explanation of how the applicant obtained the volume figures above, and an explanation of its method of estimation if the applicant used estimates to determine its purchase volumes;

(6) A statement that neither the applicant, its parent firm, affiliates, subsidiaries, successors nor assigns has waived any right it may have to receive a refund in these cases (i.e. that it has not filed for a refund from any of the escrow accounts established pursuant to the Settlement Agreement);

(7) If the applicant is not an end-user whose business is unrelated to the petroleum industry, a showing that the applicant was injured by the alleged overcharges (i.e., that the applicant did not pass the overcharges through to its own customers); and

(8) If the applicant is a regulated utility that purchased more than 5 million gallons of petroleum products, a certification that it will notify the state utility commission of any refund received and that it will pass on the entirety of its refund to its retail customers.

All applications should be typed or printed, clearly labelled "Application for

[12] As of June 30, 1989, $13,291,130.87 in interest had accrued on the $228 million. Therefore, the portion of the crude oil pool that will be disbursed pursuant to this Decision and Order totals $241,291,130.87.

[13] As of June 30, 1989, $2,658,226.17 in interest had accrued on this amount.

[14] They also cannot use the end-user presumption of injury for those gallons consumed for their own use in their petroleum operations. *See Martin Gas Sales, Inc.*, 18 DOE ¶85,545 (1989).

[15] We will use the estimate that 2,020,997,335,000 gallons of petroleum products were consumed in the United States during the period August 1973 through January 1981. *Mountain Fuel*, 14 DOE at 88,868 n.4 (1986).

[16] This volumetric amount will increase as future payments are received from Texaco. Based on the crude oil violation monies previously received by the DOE, the OHA recently announced that it was increasing the refund rate at which meritorious applicants in these proceedings are paid to $0.0008 per gallon. *See Crude Oil Supplemental Refund Distribution*, 18 DOE ¶85,878 (1989). This refund rate will be increased, from time to time, to reflect any additional monies received by the DOE.

[17] This application deadline applies to applications for refunds from all crude oil monies to be remitted by Texaco, including future payments.

Crude Oil Refund," submitted in duplicate and mailed to the following address:

Subpart V Crude Oil Overcharge Refunds, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

B. Payments to the States and Federal Government

Under the terms of the MSRP, the remaining 80 percent of the $228 million plus interrest in alleged crude oil violation amounts subject to this Decision, or $182,400,000 million plus interest, should be disbursed equally to the states and federal government for indirect restitution. As of June 30, 1989, the accrued interest on these funds was $10,632,904.70. The total amount to be disbursed to the states and federal government pursuant to this determination is therefore $193,032,904.70.

Accordingly, we will direct the DOE's Office of the Controller to segregate the $193,032,904.70 available for disbursement to the states and federal government and transfer one-half of that amount, or $96,516,452.35, into an interest-bearing subaccount for the states, and one-half, or $96,516,452.35, to an interest-bearing subaccount for the federal government. In the near future, we will issue a Decision and Order directing the DOE's Office of the Controller to make the appropriate disbursements to the individual states from their respective subaccount. Issuance of these orders is necessary to improve our ability to track the various disbursements to the states. Each individual state's percentage share of funds is set forth in Exhibit H to the Settlement Agreement and is based on each state's consumption of petroleum products during the period of price controls. When disbursed, these funds will be subject to the same use limitations and reporting requirements as all other crude oil monies received by the states under the Settlement Agreement.

It is therefore ordered that:

(1) Applications for Refund from the alleged crude oil overcharge funds remitted to the Department of Energy by Texaco Inc. pursuant to the Consent Order finalized on August 29, 1988 may now be filed.

(2) All applications submitted pursuant to paragraph (1) above must be filed no later than October 31, 1989 or 90 days from the publication of this Decision and Order in the **Federal Register**, whichever is later.

(3) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller, Department of Energy, shall take all steps necessary to transfer $241,291,130.87 from the Texaco Inc. subaccount, Consent Order Number PTXE006A1Z, pursuant to Paragraphs (4), (5), and (6) of this Decision.

(4) The Director of Special Accounts and Payroll shall transfer $96,516,452.35 of the funds obtained pursuant to paragraph (3) above, plus interest which accrues from June 30, 1989 to the date of transfer, into the subaccount denominated "Crude Tracking-States," Number 999DOE003W.

(5) The Director of Special Accounts and Payroll shall transfer $96,516,452.35 of the funds obtained pursuant to paragraph (3) above, plus interest which accrues from June 30, 1989 to the date of transfer, into the subaccount denominated "Crude Tracking-Federal," Number 999DOE002W.

(6) The Director of Special Accounts and Payroll shall transfer $48,258,226.17 of the funds obtained pursuant to paragraph (3) above, plus interest which accrues from June 30, 1989 to the date of transfer, into the subaccount denominated "Crude Tracking-Claimants 2," Number 999DOE008Z.

George B. Breznay,

Director, Office of Hearings and Appeals.

Date: July 25, 1989.

[FR Doc. 89-17809 Filed 7-28-89; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-828-DR]

Texas; Amendment to a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA-828-DR), dated May 19, 1989, and related determinations.

DATED: July 24, 1989.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472; (202) 646-3614.

Notice: The notice of a major disaster for the State of Texas, dated May 19, 1989, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 19, 1989:

The counties of Blanco, Burnet, Comanche, Lamar, Mason, Red River, and Somervell for Individual Assistance and Public Assistance.

The counties of Anderson, Archer, Baylor, Cherokee, Clay, Coryell, Denton, Gregg, Jack, Jefferson, Leon, Limestone, McCulloch, Panola, San Jacinto, Shelby, Titus, Van Zandt, Walker, and Young for Public Assistance. (Individual Assistance has previously been designated for these counties.)

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 89-17792 Filed 7-28-89; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-836-DR]

Texas; Amendment to a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA-836-DR), dated July 18, 1989, and related determinations.

DATED: July 25, 1989.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472; (202) 646-3614.

Notice: The notice of a major disaster for the State of Texas, dated July 18, 1989, is hereby amended to add the Public Assistance program and amend the county designations as follows:

The counties of Hardin, Jasper, Liberty, Newton, and Tyler for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 89-17793 Filed 7-28-89; 8:45 am]

BILLING CODE 6718-02-M

Fee Charge System for Flood Insurance Study Back-up Data

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of intent.

SUMMARY: This notice of intent advises that the Federal Insurance Administration intends to implement a fee charge system for retrieval, reproduction and distribution of technical and administrative support data retained within the engineering

study data package (ESDP) when this data is distributed upon request to all entities not directly involved in the Flood Insurance Study process. This program will begin on October 15, 1989, and contributes to the self-support of the National Flood Insurance Program.

DATE: Comments must be received on or before August 30, 1989.

ADDRESS: Comments should be mailed to the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Room 840, 500 C Street SW., Washington, DC. 20472.

FOR FURTHER INFORMATION CONTACT: Brian R. Mrazik, Assistant Administrator, Office of Risk Assessment, Federal Insurance Administration, 500 C Street SW., Washington, DC 20472, Telephone (202) 646-2766.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP) was enacted in 1968 to make flood insurance available in participating communities throughout the nation. Flood Insurance Studies establishing special flood hazard areas, risk zones, floodways and base flood elevations for individual flood-prone communities have been prepared by the Federal Insurance Administration (FIA). After the Flood Insurance Study is published the technical and administrative support data developed during the conduct of the study is microfilmed and stored for future reference within an Engineering Study Data Package (ESDP). Microfilm copies of this data are also routinely provided to the designated NFIP State Coordinating Agencies and appropriate District Offices of the U.S. Army Corps of Engineers at that time. The data is frequently utilized by FEMA and its Flood Insurance Study and technical evaluation contractors. It is less frequently requested by other Federal, state and local government agencies and private engineering and consulting firms, real estate developers and individuals.

Since 1981, the Federal Insurance Administration has made the data available free of charge to all requestors. As the program has grown and matured, the costs associated with retrieving, reproducing, and distributing the data have increased. Also, the number of non-FEMA related data requests is steadily growing so that it now costs the Federal Insurance Administration approximately $100,000 annually to provide this service to outside requestors.

The Federal Insurance Administration has decided to implement measures to recover the costs associated with providing this service. It is proposed to assess an ESDP user fee charge effective October 15, 1989 to those organizations and individuals not directly involved in the Flood Insurance Study process. Under this proposal, all entities except FIA's Flood Insurance Study contractors, technical evaluation contractors and Federal agencies primarily involved in flood studies would be charged for data requests. These Federal agencies are the U.S. Army Corps of Engineers, U.S. Department of the Interior, U.S. Department of Agriculture, National Oceanographic and Atmospheric Administration, Tennessee Valley Authority, and United States Geological Survey. The NFIP State Coordinating Agencies and District Offices of the Corps of Engineers will continue to rountinely receive free microfilm copies of the ESDP information as it is produced. One copy of any technical support information requested by a community during the statutory 90-day appeal period for their flood insurance study will also be provided free of charge.

The fee charge operation will also provide enhanced services such as paper and computer disk copies of data. Currently, data is transmitted to requestors in microfilm or hardcopy form only.

The proposed fee will be based on recovery of the actual costs incurred by FIA for the labor and material consumed in retrieving, reproducing, and distributing the data to the requestor as well as a prorated share of the additional management, administrative, and operating expenses associated with the data retrieval and fee charge operation.

Although the cost of individual requests will vary depending upon the volume and medium of the data to be reproduced and distributed as well as the complexity of researching and retrieving that data, the cost of the average request, based on a recent sample of data requests, should be approximately $100–$150. All requests must be submitted in writing and the requestor will be notified of the total charge prior to incurring any financial obligation.

Fee payments will be required in advance of the shipment of data. The proposed method of payment is prepayment by check or money order made payable to the National Flood Insurance Program. The requestor will receive a receipt for their records or billing purposes.

The fees collected by the fee-charge operation will be deposited to the National Flood Insurance Fund because it is the source of funding utilized to provide these services.

Anyone who has an interest in the ESDP user fee charge system should provide their comments in accordance with the date and address listed above.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 89-17791 Filed 7-28-89; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-010644-003.

Title: City of Los Angeles Terminal Agreement.

Parties: City of Los Angeles, Indies Terminal Company.

Synopsis: The Agreement amends the basic agreement (Agreement No. 244-010644), which expires on July 31, 1989, to provide a holdover period until October 31, 1989. The compensation provisions of the basic agreement will continue during the holdover period.

Agreement No.: 224-010828-004.

Title: City of Los Angeles Terminal Agreement.

Parties: City of Los Angeles, Overseas Shipping Company, Inc. (Tenant).

Synopsis: The Agreement provides for its termination effective July 21, 1989.

Agreement No.: 224-200268.

Title: City of Los Angeles Terminal Agreement.

Parties: City of Los Angeles, Stevedoring Services of America (SSA).

Synopsis: The Agreement provides SSA with the non-exclusive ten-year assignment of approximately 101 acres including 5,650 feet of wharf at Berths 215–225 in the Port of Los Angeles. SSA will use the premises for the docking

and mooring of vessels and for the assembling, distributing, loading and unloading of cargo on or from such vessels over, through and upon such premises. The Agreement provides for revenue sharing with a minimum annual guarantee and revenue sharing breakpoints that vary during the first five years of the Agreement.

Agreement No.: 224–010954–003.
Title: Georgia Ports Authority Terminal Agreement.
Parties: Georgia Ports Authority, Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Nippon Liner Systems, Ltd.
Synopsis: The Agreement extends the term of the basic agreement (Agreement No. 224–010954) from July 1, 1989 through September 30, 1989. It also makes adjustments to the Wharfage and Equipment Incentive Rates. All other terms and conditions of the basic agreement will remain unchanged.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: July 25, 1989.

[FR Doc. 89–17745 Filed 7–28–89; 8:45 am]

BILLING CODE 6730–01–M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–006190–054.
Title: United States Atlantic/Venezuela Freight Association d/b/a United States Atlantic/Venezuela Freight Association.

Parties: Consorcio Naviero de Occidente, C.A., King Ocean Service de Venezuela, S.A., Venezuelan Container Service, Maritima Aragua, S.A., American Transport Lines, Inc., Companhia Anonima Venezolana De Navegacion.

Synopsis: The proposed modification would: (1) Include rates on excepted commodities; (2) provide for space chartering and rationalization of service; (3) include service contracts covering excepted commodities; and (4) restate the Agreement.

Agreement No.: 202–010390–020.
Title: United States Atlantic & Gulf/Ecuador Freight Association.
Parties: Crowley Caribbean Transport, Inc., Lykes Bros. Steamship Co., Inc., Naviera Del Pacifico C.A., Transportes Navieros Equatorianos.
Synopsis: The proposed modification would clarify that no party may transport cargo in the Conference trade at rates other then those specified in the Conference tariff.

Agreement No.: 202–010987–009.
Title: United States/Central America Liner Association.
Parties: Crowley Caribbean Transport, Inc., Sea-Land Service, Inc., Seaboard Marine Ltd., Crowley Trailer Marine Transport, Corp.
Synopsis: The proposed modification would provide for rationalization of service, prohibit independent action on loyalty contracts, and restate the Agreement.

Agreement No.: 202–011231–003.
Title: United States Gulf/Venezuela Steamship Conference d/b/a United States Gulf/Venezuela Freight Association.
Parties: American Transport Lines, Inc., Companhia Anonima Venezolana De Navegacion, Maritima Aragua, S.A.
Synopsis: The proposed modification would: (1) Include rates on excepted commodities; (2) provide for space chartering and rationalization of service; (3) include service contracts covering excepted commodities; and (4) restate the Agreement.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: July 25, 1989.

[FR Doc. 89–17711 Filed 7–28–89; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HSQ–172–FNC]

Medicare Program; Peer Review Organizations; Area Designation

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final notice with comment period.

SUMMARY: This notice announces the redesignation of an area consisting of the State of Hawaii and the territories of American Samoa, Guam and the Commonwealth of the Northern Mariana Islands as a single Utilization and Quality Control Peer Review Organization (PRO) review area. Presently, the State of Hawaii comprises one review area and the listed territories another review area. This change will enhance the efficiency and effectiveness of the administration of PRO activities.

DATE: The PRO area redesignation in this final notice is effective on September 29, 1989. However, we will consider public comments on the PRO area designation. Comments must be mailed or delivered to the appropriate address, as provided below, and must be received by 5:00 p.m. on September 29, 1989.

ADDRESS: Mail comments to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HSQ–172–FNC, P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to one of the following addresses:

Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC, or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

Due to staffing and resource limitations, we cannot accept facsimile (FAX) copies of comments.

In commenting, please refer to file code HSQ–172–FNC. Comments received timely will be available for public inspection as they are received, beginning approximately three weeks after publication of this document, in Room 309–G of the Department's offices at 200 Independence Ave., SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone: 202–245–7890).

FOR FURTHER INFORMATION, CONTACT: Michael Rappaport, (301)–966–6894.

SUPPLEMENTARY INFORMATION:

I. Background

1. Program Description

The Utilization and Quality Control Peer Review Organization (PRO) program is used to assure that health care services and items for which payment may be made in whole or part under the Medicare program are

medically necessary, are delivered in the appropriate setting, and are of a quality which meets professionally recognized standards. The PRO program was established by the Peer Review Improvement Act of 1982 (Title I, Subtitle C of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), Pub. L. 97–248), which amended Subpart B of Title XI of the Social Security Act (the Act). The individual PROs may also contract with State agencies to provide review of health care services furnished under the Medicaid program, and with the Department of Defense to provide review of health care services furnished under the Civilian Health and Medical Programs of the Uniformed Services (CHAMPUS). The PRO program is based on two fundamental concepts of health care review: that physicians are the most appropriate persons to assess the quality of medical care delivered by physicians; and that local community-based peer review and local standard setting are the most effective means for ensuring appropriate utilization of health resources and facilities.

Section 1153(a) of the Act requires the Secretary to divide the United States into geographic areas, designated as PRO areas, for the purpose of entering into contracts with entities to perform the peer review function. We do not need to issue regulations in order to designate or change PRO areas because authority to designate or change PRO areas is within the broad statutory authority given to the Secretary under section 1153 of the Act. However, we believe that it would be beneficial to permit interested parties an opportunity to comment on any redesignations. Consequently, we are continuing our previously established notice and comment procedure to announce the redesignation of a PRO area.

The current designation of PRO areas was announced on February 27, 1984 (49 FR 7202). Each of the 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands were designated as separate review areas. At the same time, the areas consisting of Guam, American Samoa, the Northern Mariana Islands and the Trust Territory of the Pacific Islands were designated as a single area for purpose of PRO review.

2. Area Designation Criteria

Section 1153(a)(2) of the Act provides the criteria that the Secretary is to use to designate PRO review areas. They are:

- Each state must generally be designated as a geographic review area for PRO purposes.
- The Secretary must establish local or regional review areas only where the volume of review activity or other relevant factors (as determined by the Secretary) warrant such establishment, and the Secretary determines that review activity can be carried out with equal or greater efficiency by establishing local or regional areas. In applying these requirements, the Secretary must take into account the number of Medicare and Medicaid hospital admissions in each State. Any State having less than 80,000 admissions annually must be established as a single statewide area.
- The Secretary may not establish a local or regional area having fewer than 60,000 total admissions under review annually (including, public and private pay patients) unless he or she determines that other relevant factors warrant otherwise;
- No local or regional review area may be designated that is not a self-contained medical service area having a full spectrum of medical services, including services of medical specialists.

II. Need for Revised Area Designation

Our proposed notice to establish the original PRO review areas published on August 15, 1983 (48 FR 36976), included a recommendation that there be a regional PRO review area comprised of the State of Hawaii together with Guam, American Samoa, and the Trust Territory of the Pacific Islands. A number of commenters objected to this proposed regional PRO review area based on their view that, under the PRO program, the administration of such a large geographic area would not be cost effective. After evaluation of these concerns in the final notice published February 27, 1984 (49 FR 7209), we designated the State of Hawaii as a PRO review area. The areas consisting of Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands were establish as another PRO review area.

Since we established the PRO area consisting of Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Island as a single PRO review area, we have found it difficult to administer a contract with a local peer review organization. The statute imposes restrictions (relative to physician membership and the availability of physician reviewers) on the types of organizations eligible to contract as PROs. In this review area, no eligible local organization has expressed an interest in competing for the PRO contract, in response to our request for bids from local organizations for the contract award. Consequently, since 1984 the PRO contract for this review area has been awarded to the Hawaii PRO, separately and distinct from its contract to conduct review operations in Hawaii.

Our experience indicates that the previous comments concerning the economic inefficiency of administering the large geographic area of the combined Hawaii and Pacific areas are no longer valid. In addition, since the Hawaii based PRO has been responsible for the Medicare peer review in American Samoa, Guam, and the Northern Mariana Islands for a substantial period of time, we feel the designation of these review areas into a single review area would not compromise the working relationship that has developed. Because the patient population in all of the affected areas is small, combining the areas also adds to efficient and effective program operations. The size of the resulting review data base will enhance meaningful demographic and statistical analysis. Furthermore, PRO surveillance of potential quality of care concerns based on this increased data base should improve. We believe combining these two areas into a single, more efficient PRO area will not dimish current recognition of the unique characteristics of the beneficiary population and local medical practice.

III. Revised PRO Area

It is our intention that the area composed of the State of Hawaii, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands be a single designated PRO review area. (The trusteeship of the areas previously known as the Trust Territory of the Pacific Islands and mentioned in previous notices has been dissolved by Congress. The remaining districts are not eligible for service under Title XVIII or Title XIX. Therefore, no PRO review area designation is necessary for these geographic areas.)

This change is necessary because past experience shows there have been no qualified local organizations to place bids for the PRO contract in the existing review area. Maintaining the current designation of separate review areas requires the administration of two separate contracts with the same organization, an administrative burden to the Government and to the PRO contractor. Virtually all medical care subject to review in the Pacific area, except for the State of Hawaii, is furnished by the Government and no other reviewers are available in the area who can conduct review with complete independence and objectivity. We feel that consolidating the areas into one designated PRO review area will

enhance the efficiency and effectiveness of the PRO programs.

IV. Response to Comments

Because of the large number of pieces of correspondence we normally receive on a with opportunity for public comment, notice we are not able to acknowledge or respond to them individually. We will consider all comments contained in correspondence that we receive by the date specified in the "DATE" section of this preamble, and will respond to the comments in the preamble of a revised final notice if we find it necessary to issue a revised notice.

V. Regulatory Impact Statement

A. Executive Order 12291

Executive Order 12291 (E.O. 12291) requires us to prepare and publish a regulatory impact analysis for any notice that meets one of the E.O. criteria for a "major rule"; that is, that would be likely to result in—

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This final notice with a comment period combines Hawaii, with American Samoa, Guam and the Commonwealth of the Northern Mariana Islands as a single area for purposes of PRO review.

As stated earlier in this notice, the rationale for the change in the review area designation is that there are no known qualified local organizations who have placed a bid for the PRO contract in the area of American Samoa, Guam and the Commonwealth of the Northern Mariana Islands area. Each PRO contract for this area has been awarded to the Hawaii PRO as a separate and distinct contract from the one that implements its operations in Hawaii. To maintain the current designation of the Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands area as a separate review area presents an administrative burden to the Government and the PRO contractor. Combining the areas presents programmatic advantages which will result in savings to the contractor. Although we have no way of determining the magnitude of any effect of this notice in advance, we believe there will be a cost savings because the contractor would be required to submit only a single bid for the entire area.

Under this redesignation, combining these two review areas into a single, more efficient PRO area, we will continue to recognize the unique characteristics of the beneficiary population and local medical practice. We believe the efficiency and effectiveness of the review programs will be enhanced and the affected beneficiaries will benefit from the resultant program improvements.

This final notice does not meet the $100 million criterion nor do we believe that it meets the other E.O. 12291 criteria. Therefore, a regulatory impact analysis is not required.

B. Regulatory Flexibility Act

We generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612) unless the Secretary certifies that a notice will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, all PRO contractors are treated as small entities.

In addition, section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis if a notice may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital with fewer than 50 beds located outside of a Metropolitan Statistical Area.

Because there will be no changes to the character of medical review services currently being provided in the affected areas, there will be no adverse effect on either the beneficiaries or the health care providers. By easing the administrative burden on the designated PRO contractor, we believe the contractor's efficiency and effectiveness will be enhanced.

For the reasons cited above, we are not preparing a regulatory flexibility analysis since we have determined, and the Secretary certifies, that this notice will not have a significant economic impact on a substantial number of small entities or a significant economic impact on the operations of a substantial number of small rural hospitals.

(Sec. 1153 of the Social Security Act (42 U.S.C. 1320c–2) Catalog of Federal Domestic Assistance Program No. 13.773, Medicare-Hospital Insurance)

Dated: June 27, 1989.

Louis B. Hays,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 89–17732 Filed 7–28–89; 8:45 am]

BILLING CODE 4120–01–M

Public Health Service

Cooperative Agreement to Support Healthy Cities and Implementation of the Year 2000 National Health Objectives for Special Populations

The Office of Disease Prevention and Health Promotion announce the availability of funds for Fiscal Year 1989 for cooperative agreements to advance city-based health promotion and to promote implementation of the year 2000 national health objectives for blacks and Native Americans.

The Office of Disease Prevention and Health Promotion (ODPHP) was established by Pub. L. 94–317, the National Consumer Health Information and Health Promotion Act of 1976, and functions under the provisions of Title XVII of the Public Health Service Act, as amended. Located in the Office of the Assistant Secretary for Health, within the Department of Health and Human Services, the mission of ODPHP is to provide leadership for disease prevention and health promotion. The Office formulates national health goals and objectives; coordinates Department of Health and Human Services (DHHS) activities in disease prevention, health promotion, preventive health services, and health information and education; and stimulates public and private programs to improve the health of the Nation. ODPHP is organized around four areas: prevention policy, clinical preventive services, nutrition policy, and health communications.

Background

At the turn of the century, infectious diseases were the leading killers in the United States. Now, nearly half of all disease and premature death can be traced to lifestyle factors such as smoking, improper diet, and lack of exercise. Identifying the behaviors, practices, and habits that enhance or threaten health, and encouraging the adoption of healthy behaviors, has great potential for preventing disease and disability.

Improvements in the health status of Americans over the past decade can be attributed, in part, to the national commitment to health promotion first described in *Healthy People: The Surgeon General's Report on Health*

Promotion and Disease Prevention, which presented health goals for the five major life stages, infancy through old age. A national plan for achieving the goals was developed by the Public Health Service, containing 226 measurable prevention objectives to be achieved by 1990. The plan, titled *Promoting Health/Preventing Disease: Objectives for the Nation* was published in 1980. The so-called 1990 objectives, addressing 15 priority areas, can be divided into three broad categories: health promotion; health protection; and personal preventive services. For example, the five priority areas under "health promotion" are: smoking and health; misuse of alcohol and drugs; nutrition; physical fitness and exercise; and control of stress and violent behavior.

The sustained emphasis on health information and health promotion needed to meet the 1990 objectives is being achieved in a variety of ways—education, research, and public information dissemination—and involves a partnership of Federal, State, local, voluntary, and private sector participants. ODPHP has worked over the past decade to extend the reach of health promotion and disease prevention programs through cooperative agreements with national organizations with local chapters, affiliates, or members. Cooperative agreements are granted as part of the National Health Promotion Program, as described in the Catalog of Federal Domestic Assistance.

FY 1989 Priorities

To expand health promotion and disease prevention programs, ODPHP fosters partnerships with the private sector. To this end, ODPHP intends to establish cooperative agreements with national membership organizations for two initiatives: (1) Expanding city-based health promotion and (2) developing health promotion programs for blacks and Native Americans based on the year 2000 national health objectives. An announcement issued by ODPHP in February 1989, sought proposals for health promotion programs based on the year 2000 objectives from national membership organizations representing Hispanics, Asian Americans/Pacific Islanders, blacks, people with disabilities, children in schools, adolescents, older people, worksites, and clinical settings. Competition under Initiative 2 of this announcement is being reopened for national membership organizations representing either blacks or Native Americans.

Eligibility Requirements

These Cooperative Agreements are limited to national membership organizations, due to limitations on availability of funds and as a function of the kinds of public-private collaborations that the initiatives entail. Requests to Congress for funds for the National Health Promotion Program have specified this limitation of applicant eligibility. Further, ODPHP has historically facilitated Public Health Service work with national membership organizations to implement national health promotion and disease prevention programs and policies.

Competition for Initiative II, Targeting Special Populations for Health Promotion and Disease Prevention, is further limited to organizations that represent either Native Americans or blacks. These two cooperative agreements are part of a larger ODPHP initiative to promote implementation of the year 2000 national health objectives among special populations (including Hispanics, Asian Americans, adolescents, older people, and people with disabilities) and at particular sites (including worksites, clinical settings, and schools), through cooperative agreements awarded to national membership organizations in June 1989. As representatives of particular groups, membership organizations are in a unique position to identify the most appropriate and effective ways of reaching members of special population groups with health promotion programs.

To be eligible to participate in these cooperative agreements, an organization must meet all of the following requirements:

- Be a national, private, nonprofit organization;
- Have a national membership, state/local chapters, and/or other well-defined membership structure;
- Demonstrate an understanding of the current and potential role of the membership in health promotion and disease prevention;
- Have in place a variety of ways to inform members and other interested groups about how to become involved in meeting the purposes of the cooperative agreement; and
- Demonstrate top level support within the organization for the project and, where appropriate, demonstrate similar support from the membership.

For purposes of this announcement, national membership organizations are defined as organizations with individual or institutional members in a majority of the States or in a sufficient number of States to reach a majority of the special population or site. "Members" must voluntarily and expressly associate themselves with the organization as through payment of a membership fee or other declaration of association (i.e., request and receipt of a membership card or certificate of membership).

Period of Performance

If funds are available and if performance is satisfactory, the cooperative agreements will be awarded for project periods of three years. To obtain funding after the initial budget period, continuation applications and approvals will be required for each subsequent 12-month period. Continuation applications will not be subject to competitive review but will be subject to review for satisfactory progress and availability of funds.

Terms and Conditions

Monies allocated for cooperative agreements are not intended to cover all of the costs that will be incurred in the process of completing the projects. Applicants should demonstrate a commitment of financial or in-kind resources to support proposed projects. Organizations may use awarded funds to support salaries of individuals assigned to the project. However, due to the modest support offered through the cooperative agreements, applicants are urged to restrict funding of salaries to approximately 30 percent of the awarded funds to insure that sufficient resources remain to accomplish the purpose of the project. Federal funds offered through this announcement may be used to develop or purchase project materials, directly related project activities, and project-related travel.

In proposed budgets, applicants should earmark funds for their project director to participate in up to two two-day meetings in Washington, DC, in each project year. The purpose of the meetings will be to consult with ODPHP and coordinate with other cooperative organizations, as appropriate.

ODPHP Involvement

ODPHP will:

1. Provide a significant portion of the time of a professional staff person to work with award recipients.

2. Disseminate materials and information generated by the cooperative agreement that are of interest beyond the organization's own membership through the ODPHP National Health Information Center.

3. Help locate and make available appropriate information and technical assistance from other government sources.

4. Provide liaison with other government agencies as appropriate.

5. Work directly with each recipient to develop effective marketing, information, and other materials, through critical review of all work products and assistance with any necessary substantive changes.

Application Process

1. All applications must be submitted with a signed copy of PHS Form 5161, with the required information filled in appropriately. The required application form with instructions will be mailed to potential applicants who make telephone requests to Ms. Loretta Logan at (202) 472–5583 or write to her at ODPHP/PHS, Department of Health and Human Services, Switzer 2132, 330 C Street, SW, Washington, DC 20201. For further programmatic information or clarification, contact Ashley Files (202) 472–5583.

2. All applications must be either received or postmarked on or before 5:00 p.m. on August 28, 1989. Applications postmarked but not received by August 28, 1989, will be eligible only if they are received in time for orderly processing and review.

3. Application packages should be mailed or delivered to: Ms. Loretta Logan, Office of Disease Prevention and Health Promotion/PHS/DHHS, 2132 Switzer Building, 330 C Street, SW. Washington, DC 20201.

4. Applications must be typed on one side of the page only.

5. The original and two copies of each application, with attachments and documents, must be submitted.

6. Applications for projects that are national in scope for which the Department has no funding discretion to approve specific sites or projects, such as this program, are excluded from coverage under Executive Order 12372. This program is incorrectly listed as covered under Executive Order 12372 in the 1989 CAtalog of Federal Domestic Assistance.

Application Requirements

Applications must include the following information:

1. A description of the organization and its membership, documentation that it meets all the eligibility requirements, and examples of the organization's activities substantiating its ability to undertake the proposed project.

2. Measurable goals and objectives for the full term of the cooperative agreement.

3. A descritpion of how the project will contribute to the Public Health Service's efforts to promote health, prevent disease, and improve quality of life.

4. A detailed list of the tasks that will be undertaken in the first budget period and the outcomes expected at the end of that period.

5. A detailed budget for the first budget period.

6. A brief list of the tasks that will be undertaken in each of the remaining budget periods, as appropriate, and how they will contribute the project's goals and objectives.

7. A timetable for each budget period of the project.

8. An evaluation plan that will show how the impact of the proposed project will be measured, if feasible, or the effectiveness of the process in meeting project goals and objectives.

9. The background and qualifications of the individual(s) who will manage and staff the project. If the individual(s) is not now known, provide a list of the qualifications that will be sought.

10. If it is anticipated that any portion of the program will be subcontracted for year one, information about the role the subcontractors will play and their qualifications. If the applicant expects to subcontract any portion of the project during the reminding years, a description of the role the subcontractors will play and their qualifications should be included.

11. If organizations are working together on a proposal, information about the role each will play, along with complete eligibility information. Specify leadership responsibility and project management structure.

12. Further information given as "Special Application Requirements" in each of the initiative summaries below.

Review and Selection Process

Applications will be screened by ODPHP upon receipt to assure that all eligibility requirements have been met. Applications meeting these requirements will be reviewed by a Federal panel of reviewers using the criteria outlined below. The results of this review will be recommended to the Director of ODPHP for FY 1989 cooperative agreement awards. ODPHP intends to make awards in September 1989.

Evaluation Criteria

1. Understanding the Project—20

Understanding of the issues that the project proposes to address. Clarity, feasibility, and practicality of the goals and objectives of the project and the plan to meet them.

2. Methodology and Approach—30

Soundness, practicality, and feasibility of the technical approach to the work, including how the tasks are to be carried out, anticipated problems, and proposed solutions. The potential for the project to make a significant contribution to health promotion and disease prevention. Feasibility and appropriateness of the proposed evaluation plan.

3. Organizational Capability—25

Commitment of management and members to the project, as demonstrated, in part, through commitment of financial or in-kind resources to support proposed project. Relevant experience of the organization in conducting similar projects. Adequacy of project management to keep project on track and on schedule. Demonstrated ability to reach key audiences with project.

4. Project Direction, Management, and Staffing—25

Management plan, advisory and supervisory structure, and qualifications and relevant experience of proposed staff both in the content and execution of proposed project. Relevant experience could include, but would not be limited to, communications and marketing of issues and programs to diverse constituents, health promotion and disease prevention program activities, and data collection and analysis.

Initiative 1: Promoting Healthy Cities ($75,000 Each Budget Period, One Project)

Purpose and Objectives

The Office of Disease Prevention and Health Promotion would like to help expand city-based health promotion in the United States. Using the World Health Organization's Healthy Cities project as a model, ODPHP is interested in cultivating city interest in health promotion projects. Of particular interest are projects that go beyond the traditional health agencies to include residents, local government, businesses, the schools, and community groups in setting local health priorities and making real improvements in local health status. A major thrust of the United States Healthy Cities activities is to connect cities with the information and expertise they need to mount health promotion campaigns and advance the health and well-being of their citizens.

American cities have access to a wealth of resources, expertise, and guidance to help them pursue

community-wide health improvement. The Public Health Service, other Federal agencies, and the private sector all produce and distribute materials that support and inform community health promotion. However, these materials and resources come from a large number of sources. Examples of projects and publications that could be valuable resources to United States Healthy Cities include:

From the Public Health Service

- The National Heart, Lung, and Blood Institute has developed and disseminated *With Every Beat of Your Heart: An Idea Book for Community Heart Health Programs* and *Community Guide to Cholesterol Resources.*
- The Centers for Disease Control operates the PATCH program—Planned Approach to Community Health—and, in cooperation with several public health organizations, promotes use of *Model Standards: A Guide to Community Preventive Health Services.*
- The Health Resources and Service Administration's Community and Migrant Health Centers, as well as the Maternal and Child Health block grant, fund primary health care in communities across the nation.

From the Private Sector

- The Prudential Foundation, working with the Hastings Center, published *Community Health Decisions: A Grassroots Movement in Bioethics.*
- The Kellogg Foundation has funded "Healthy Cities Indiana," a six-city project to develop broad-based city health plans and actions.
- The Chesapeake Bay Foundation has brought together representatives from government, business, the community, and environmental advocacy groups to confront the pollution problems threatening the environment and the Chesapeake Bay.

From Other Federal Agencies

- The National Traffic Safety Administration promotes community solutions to drunk driving and motor vehicle crash prevention.

To help cities interested in health promotion make the best use of existing information and resources, we would like to enter into a cooperative agreement with an organization that can simplify and promote participation in city-based health promotion. Activities could include, but are not limited to:

1. Convening an annual meeting of individuals and group representatives expert in Healthy Cities, municipal planning, and local health promotion.
2. Creating and maintaining a bibliography of community level disease prevention and health promotion information.
3. Preparing a "how-to" package for communities interested in beginning a Healthy Cities project. Such a package could rely heavily on existing information prepared by the World Health Organization, the U.S. Public Health Service, and other public and private sector health information/community organization projects.
4. Devising, and setting in motion, an effective way of: (1) keeping United States Healthy Cities apprised of Healthy Cities expansion; (2) reporting on progress and problems in U.S. and international Healthy Cities; and (3) in general, generating interest in city-based health promotion.
5. Creating and maintaining a data base of Healthy Cities contacts (both program operators and experts in community health promotion/planning).

Approximately $75,000 per year, for a maximum of three years, will be available to support this project. The cooperative agreement will be overseen by the Office of Disease Prevention and Health Promotion, with the cooperation of the Centers for Disease Control, the Health Resources and Services Administration, and the National Institutes of Health.

Special Considerations

At the heart of the Healthy Cities concept is the formation of an alliance among governments, voluntary agencies, citizens, and businesses working together to improve the health and well-being of city residents. Applicants should demonstrate an ability to reach multiple sectors and programs. National organizations that demonstrate they can involve (for example) city and county government, city planners, employers, health officers, universities, and schools will be given preference.

Initiative II. Putting the Year 2000 National Health Objectives into Practice: Targeting Special Populations for Health Promotion and Disease Prevention ($50,000 per Project Each Budget Period, 2 Projects Total)

The Public Health Service is now in the process of setting new national objectives for reducing preventable death and disability by the year 2000, to succeed the 1990 health objectives set in 1980. Many of the new objectives will aim specifically at improving the health of special populations at higher risk for illness, disability, or premature death. To help meet these year 2000 targets, cooperative agreements will be awarded to national membership organizations, or cooperating groups of national organizations, to promote targeted health promotion/disease prevention programs for blacks and Native Americans.

Background

The year 2000 health objectives will be published in July 1990, as the second "Surgeon General's Report on Disease Prevention and Health Promotion." ODPHP is responsible for managing the development of the new objectives, a process that has involved extensive input from professional associations, voluntary organizations, and other national membership groups, academicians, corporate leaders, and the public.

The year 2000 national health objectives will likely fall within the following 21 priority areas:

1. Nutrition
2. Physical Activity
3. Tobacco use
4. Alcohol and Other Drugs
5. Sexual Behavior
6. Violent and Abusive Behavior
7. Functional Independence of older people
8. Environmental Health
9. Occupational Safety and Health
10. Unintentional Injuries
11. Maternal and Infant Health
12. Immunization Infectious Diseases
13. HIV Infection
14. Sexually Transmitted Diseases
15. High Blood Cholesterol and High Blood Pressure
16. Cancers
17. Other Chronic Disorders
18. Oral Health
19. Emotional and Behavioral Disorders
20. Health Education and Access to Preventive Services
21. Surveillance and Data Systems

Each of the 21 priority areas will include specific objectives for the total population as well as targets for special populations who, compared with the general population, experience significantly higher disease rates, higher levels of risk, or lower levels of awareness, services, or protection. For example, specific objectives might be set to address high blood pressure in the total population along with a separate target for blacks.

ODPHP requests applications for cooperative agreements with national membership organizations, or groups of cooperating organizations, that want to help put the year 2000 health objectives into practice. Award recipients must represent either blacks or Native Americans.

Each award recipient will be expected to produce a national health promotion plan for its special population, based on the year 2000 national health objectives.

The plans should specify the recipients' priorities and identify short- and long-term strategies for meeting the year 2000 health objectives. Plans should not focus on a single priority area, but rather address the broad range of health promotion and disease prevention issues facing targeted populations. Although each plan will be tailored to meet the specific needs of the targeted population, the plans are expected to follow general guidelines agreed upon at a meeting of award recipients so that implementation plans are generally consistent.

A draft of the year 2000 health objectives will be made available to each award recipient. ODPHP will also give each recipient a list of the specific year 2000 targets proposed for their population. However, applicants may wish to use the draft objectives in developing their proposals. Copies of the draft may be requested by contacting Ms. Loretta Logan, Office of Disease Prevention and Health Promotion/PHS/DHHS, 2132 Switzer Building, 330 C Street, SW. Washington, DC 20201. Although the final objectives will not be available until spring of 1990, the draft will offer award recipients a solid starting point.

The specific activities each organization will undertake to carry out its plans are expected to depend on the resources of the organization, as well as the organization's interests and priorities. Activities could include, but are not limited to, some of the following:

1. Developing and marketing a health promotion workbook, based on implementing the year 2000 national health objectives, for local chapter use.
2. Identifying and publicizing health promotion/disease prevention programs that have worked for special populations and demonstrating how these programs could work for local chapters, local communities, or other appropriate groups/settings.
3. Stimulating development of new health promotion and disease prevention programs for members.
4. Training members in health promotion program development.
5. Creating a health promotion resource center or information data base for member or chapter use.
6. Creating an award program for local chapters that excel in bringing health promotion to their members.
7. Informing members (and other interested groups) about the year 2000 national health objectives and about the organization's plans for helping the nation achieve them.
8. Evaluating the plan and promotional activities to determine whether or not health promotion and disease prevention is being expanded within the target population.

Approximately $50,000 per year, for a maximum of three years, will be available to support each of these projects.

Special Application Requirements

The application should follow the process and requirements given above. In addition:

- Describe the organization's experience in strategic and/or long range planning:
- Describe how the development of a national health promotion/disease prevention plan would fit in which the organization's present priorities and how health promotion/disease prevention programs could be integrated into the organization's future plans.
- Demonstrate authority and experience in representing the membership at the national, State, and local levels.

Further Information

This **Federal Register** Notice contains information collections required from respondents for the subject cooperative agreements. The information collection is approved under OMB control number 0937–01879. Projects funded through cooperative agreements that involve collections of information from 10 or more individuals will be subject to review under the Paperwork Reduction Act.

For further information or clarification, contact: Asley Files, Room 2132, Switzer Building, 330 C. Street, SW. Washington, DC 20201.

(National Health Promotion Program, Catalog of Federal Domestic Assistance Number 13.990.)

Date: July 24, 1989.

J.M. McGinnis,

Deputy Assistant Secretary for Health, (Disease Prevention and Health Promotion), Assistant Surgeon General.

Appendix A—Recommended Publications

The following publications may be useful in the preparation of applications for the cooperative agreements announced herein. All the publications may be ordered from: ODPHP National Health Information Center, P.O. Box 1133, Washington, DC 20013–1133, 800–336–4797, 01–565–4167 in Maryland.

"The 1990 Health Objectives for the Nation: A Midcourse Review" (1986), Order No. F0013, $3 handing fees.

"Promoting Health/Preventing Disease: Objectives for the Nation" (1980, Order No. F0009, $3 handling fee.

"Healthy People: The Surgeon General's Report on Health Promotion and Disease Prevention" (1979), Order No. F0005, $3 handing fees.

"A Review of State Activities Related to the Public Health Service's Health Promotion and Disease Prevention Objectives for the Nation"(1986), Order No. M0002, $2 handling fee.

Additional reports and papers are available. Contact the ODPHP National Health Information Center for a copy of the ODPHP Publications List.

[FR Doc. 89–17789 Filed 7–28–89; 8:45 am]

BILLING CODE 4161–17–M

National Commission on Acquired Immune Deficiency Syndrome; Meeting

This is to announce the following meeting of a National advisory body.

Name: National Commission on Acquired Immune Deficiency Syndrome.

Date and Time: August 3, 1989 from 9:30 a.m.–3:00 p.m.

Place: Hyatt Regency Washington, Regency A Room 400 New Jersey Avenue, NW., Washington, DC 20001.

The meeting is open to the public.

Purpose: The general purpose of the Commission is to carry out activities promoting the development of a national consensus on policy concerning acquired immune deficiency syndrome (AIDS), as provided in the Commission's enabling legislation, Pub. L. 100–607. This will be the initial meeting of the Commission.

Agenda: Agenda items for the meeting will include the selection of a Chairman, discussion of the future directon of the Commission, and attention to a number of organizational and administrative matters.

The meeting is being held on short notice in order to allow the Commission to promptly elect its Chairman and begin its work.

Anyone requesting information regarding the subject Commission should contract: Ms. Iris Gelberg at 202–472–4248. Agenda items are subject to change as priorities dictate.

Dated: July 27, 1989.

John Gallivan,

PSH Regulations Officer.

[FR Doc. 89–17983 Filed 7–28–89; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–09–4370–12]

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of hearing.

SUMMARY: A Public Hearing will be held on Wednesday, August 23, 1989 at 10:00

a.m. in the Carson City District Office Conference Room, 1535 Hot Springs Road, Suite 300, Carson City, Nevada.

The purpose of the hearing is to obtain public input on the Bureau of Land Management's use of helicopters and motorized vehicles in the management of wild horses and burros.

FOR FURTHER INFORMATION CONTACT: Tim Reuwsaat, Carson City District, Bureau of Land Management, 1535 Hot Springs Road, Suite 300, Carson City, Nevada, 89706, telephone (702) 882–1631.

James W. Elliott,

District Manager, Carson City District.

[FR Doc. 89–17739 Filed 7–28–89; 8:45 am]

BILLING CODE 4310–HC–M

[NV–930–09–4212–14; N–50906]

Realty Action; Proposed Noncompetitive Sale; Storey County, Nevada

AGENCY: Bureau of Land Management.

ACTION: Notice of realty action on proposed sale.

SUMMARY: The following described land comprising 0.64 acre has been examined and identified as suitable for sale pursuant to Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than fair market value:

Mount Diablo Meridian

T. 17 N., R. 21 E.,
Sec. 32, Lots 30, 32, 33, 34 and 35, Block 2, Range B (within the Gold Hill Townsite).

The land will be offered by a direct sale to William F. and Anne E. Lipscomb. Sale of the land will authorize an inadvertent unauthorized occupancy that could not be accomplished through the Color of Title Act. The land has been identified for disposal in the Walker Resource Management Plan. The proposed sale is consistent with Bureau and local government planning.

The public land to be conveyed is encumbered by certain mining claims filed pursuant to the mining laws of the United States, 30 U.S.C. 21, et. seq. The conveyance will be made subject to those claims and to any and all rights that the holders thereof may have pursuant to the laws of the United States and the State of Nevada.

The conveyance will also be subject to other valid existing rights and the following reservation to the United States:

A right-of-way thereon for ditches and canals constructed by the authority of the United States; Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

The patent will also be subject to:

1. Mining Claim No. NMC 108782 (Alto #3).

2. The right of the mining claimant to continue to prospect for, mine and remove locatable minerals under applicable law.

3. The right of the mining claimant to obtain mineral patent to both the surface and mineral estate within the mining claim if valid discovery was made prior to date of the sale patent.

4. The right of the mining claimant to obtain patent to the mineral estate only if discovery was made subsequent to date of the sale patent.

The United States of America, by issuance of a sale patent, does not intend to preclude the Patentees from challenging the validity of any mining claim located on the land being conveyed.

The Patentees, by acceptance of patent, will waive any liability against the United States in the event of subsequent title litigation.

Detailed information concerning the sale is available for review at the Carson City District Office.

Upon publication of this notice in the **Federal Register**, the land described above will be segregated from all forms of appropriation under the public land laws, including location under the general mining laws. The segregative effect of this notice of realty action shall terminate upon issuance of patent or other document of conveyance to such land, upon publication in the **Federal Register** of a termination of the segregation, or 270 days from the date of publication, whichever occurs first.

The land will be offered no earlier than 60 days after the date of this notice. For a period of 45 days after the date of this notice, interested parties may submit comments to the Bureau of Land Management, Carson City District Office, 1535 Hot Springs Road, Suite 300, Carson City Nevada 89706. Any adverse comments will be evaluated by the District Manager. The Nevada State Director, Bureau of Land Management, may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Failure to accept the offer to purchase the land, within the time specified by the authorized officer, shall constitute a waiver of the preference consideration. If the preference is waived, the land will not be offered through competitive sale procedures.

James W. Elliott,

District Manager.

Date: July 19, 1989.

[FR Doc. 89–17738 Filed 7–28–89; 8:45 am]

BILLING CODE 4310–HC–M

[NV–930–09–4212–11; N–46816]

Realty Action; Lease/Purchase for Recreation and Public Purposes Clark County, Nevada

The following described public land in Las Vegas, Clark County, Nevada has been identified and examined and will be classified as suitable for lease/purchase under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The lands will not be offered for lease/purchase until at least 60 days after the date of publication of this notice in the **Federal Register**.

Mount Diablo Meridian, Nevada

T. 20 S., R. 62 E.,
section 14, N½SE¼
Aggregating 80 acres (gross)

This parcel of land contains approximately 80 acres. The Clark County Department of Parks and Recreation intends to use the land for a recreational public park facility. The lease and/or patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 39l, 43 U.S.C. 945.

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

and will be subject to:

1. An easement for streets, roads and public utilities in accordance with the transportation plan for Clark County as follows:

40′ on the north and west;
50′ on the east and 30′ on the south

2. Those rights for powerline purposes which have been granted to the Corps of Engineers by Permit No. NEV–046022 under the Act of January 13, 1916; 44LD513.

The land is not required for any federal purpose. The lease/purchase is consistent with the Bureau's planning for this area.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for recreation and public purposes and leasing under the mineral leasing laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the lands described in this Notice will become effective 60 days from the date of publication in the **Federal Register**.

Date: July 17, 1989.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 89-17740 Filed 7-28-89; 8:45 am]

BILLING CODE 4310-HC-M

Fish and Wildlife Service

Receipt of Application for Endangered Species Permit

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, et seq.):

Applicant: Riverside County, Riverside, CA; File No. PRT-739678.

The applicant requests a permit under Section 10(a)(1)(B) of the Endangered Species Act to incidentally take Stephens' kangaroo rat (*Dipodomys stephensi*), an Endangered Species, in the course of otherwise lawful development and conservation activities. The applicant has submitted with his application a Habitat Conservation Plan for the Stephens' kangaroo rat.

The applicant requests the permit to incidentally take Stephens' kangaroo rat in association with various proposed public and private projects in the western portion of the County. The area covered by the proposed permit would include much of the historical range of the species within the County and would allow taking, for a period of two years, resulting from the development of up to 4,500 acres (20 percent) of the 22,000 acres of remaining occupied habitat known for the species.

Under the proposed conservation plan for the permit, up to 4,500 acres (private lands) of occupied habitat adjacent to lands currently in public ownerhship would be acquired and managed for the long-term benefit of the species. Comparable acreages of land would be acquired prior to issuance of County permits to destroy similar acreages of habitat. The acquisition of the private lands would be funded, in part, from mitigation fees ($1,950 per acre) collected by the applicant (the County).

Copies of the permit application, associated plan and other supporting documentation are on file at the following location and are available for inspection by the public during normal business hours: Assistant Regional Director-Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, 1002 NE. Holladay Street, Portland, OR 97232-4181 (503/231-6150).

Interested parties may comment on this application within 30 days of the date of this publication by submitting written views, arguments, or data at the above address. Please refer to the permit file number PRT-739678 when submitting comments.

Date: July 26, 1989.

R. K. Robinson,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 89-17790 Filed 7-28-89; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting will be held Saturday, September 9, 1989 at the Senior Citizens Center, 19 Frederick Street, Cumberland, Maryland.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows: Mrs. Sheila Rabb Weidenfeld, Chairman, Washington, DC, Mrs. Dorothy Tappe Grotos, Arlington, Virginia, Mr. Samuel S.D. Marsh, Bethesda, Maryland, Mr. James F. Scarpelli, Sr., Cumberland, Maryland, Ms. Elise B. Heinz, Arlington, Virginia, Professor Charles P. Poland, Jr., Chantilly, Virginia, Captain Thomas F. Hahn, Shepherdstown, West Virginia, Mr. Rockwood H. Foster, Washington, DC, Mr. Barry A. Passett, Washington, DC, Mrs. Jo Reynolds, Potomac, Maryland, Ms. Nancy C. Long, Glen Echo, Maryland, Mrs. Minny Pohlmann, Dickerson, Maryland, Dr. James H. Gilford, Frederick, Maryland, Mr. Edward K. Miller, Hagerstown, Maryland, Mrs. Sue Ann Sullivan, Williamsport, Maryland, Mrs. Josephine L. Beynon, Cumberland, Maryland, Mr. Robert L. Ebert, Cumberland, Maryland.

Matters to be discussed at this meeting include:

1. Old and new business.
2. Superintendent's report.
3. Committee reports, Plans and Projects Committee, Recreation Policies and Issues Committee, Resource Protection Committee.
4. Public comments.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Minutes of the meeting will be available for public inspection six (6) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Date: July 24, 1989.

Robert Stanton,

Regional Director, National Capital Region.

[FR Doc. 89-17765 Filed 7-28-89; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations

AGENCY: Bureau of Reclamation. Department of the Interior.

ACTION: Notice of proposed contractual actions pending through September 1989.

Pursuant to 43 CFR 426.20, the Bureau of Reclamation will publish notice of proposed or amendatory repayment contract actions or any contract for the delivery of water for irrigation or other uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. The Bureau of Reclamation announcements of repayment and water service contract actions will be published in newspapers of general circulation in the areas determined by the Bureau of

Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation requirements do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. The Secretary of the Interior or the district may invite the public to observe any contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act if the Bureau determines that the contract action may or will have "significant" environmental effects.

Pursuant to the "Final Revised Public Participation Procedures" for water service and repayment contract negotiations, published in the Federal Register dated February 22, 1982, Vol. 47, page 7763, a tabulation is provided below of all proposed contractual actions in each of the five Reclamation regions. Each proposed action listed is, or is expected to be, in some stage of the contract negotiation process during July, August, or September of 1989. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the Regional Directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved. The identity of the approving officer, and other information pertaining to a specific contract proposal, may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region.

This notice is one of a variety of means being used to inform the public about proposed contractual actions. Individual notices of intent to negotiate, and other appropriate announcements, are made in the Federal Register for those actions found to have widespread public interest. When this is the case, the date of publication is given.

Acronym Definitions Used Herein

(FR) Federal Register
(ID) Irrigation District
(IDD) Irrigation and Drainage District
(M&I) Municipal and Industrial
(D&MC) Drainage and Minor Construction
(R&B) Rehabilitation and Betterment
(O&M) Operation and Maintenance
(CAP) Central Arizona Project
(CUP) Central Utah Project
(CVP) Central Valley Project
(P–SMBP) Pick-Sloan Missouri Basin Program
(CRSP) Colorado River Storage Project
(SRPA) Small Reclamation Projects Act
(BCP) Boulder Canyon Project

Pacific Northwest Region: Bureau of Reclamation, 550 West Fort Street, Box 043, Boise, Idaho 83724–0043, telephone (208) 334–1894.

1. Cascade Reservoir water users, Boise Project, Idaho: Repayment contracts for irrigation and M&I water; 29.221 acre-feet of stored water in Cascade Reservoir.

2. Brewster Flat ID, Chief Joseph Dam Project, Washington: Amendatory repayment contract; land reclassification of approximately 360 acres to irrigable; repayment obligation to increase accordingly.

3. Individual irrigators, M&I, and miscellaneous water users, Pacific Northwest Region, Idaho, Oregon, and Washington: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

4. Rogue River Basin water users, Rogue River Basin Project, Oregon: Water service contracts; $5 per acre-foot or $50 minimum per annum, terms up to 40 years.

5. Willamette Basin water users, Willamette Basin Project, Oregon: Water service contracts; $1.50 per acre-foot or $50 minimum per annum, terms up to 40 years.

6. Irrigation districts and similar water user entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

7. Sixty Palisades Reservoir spaceholders. Minidoka Project, Idaho-Wyoming: Contract amendments to extend term for which contract water may be subleased to other parties.

8. City of Cle Elum, Yakima Project, Washington: Amendatory or replacement M&I water service contract; 2,200 acre-feet (1,350 gallons per minute) annually for a term of up to 40 years.

9. Three IDs, Flathead Indian Irrigation Project, Montana: Repayment of costs associated with rehabilitation of irrigation facilities.

10. Baker Valley ID, Baker Project, Oregon: Irrigation water service contract on a surplus interruptible basis to serve up to 13,000 acres; sale of excess capacity in Mason Reservoir (Phillips Lake) for a term of up to 40 years.

11. Individual irrigators and the North Unit ID, Crooked River Project, Oregon: Repayment or water service contracts for up to 25,000 acre-feet of storage space in Prineville Reservoir.

12. Various Projects, Pacific Northwest Region: R&B contracts for replacement of needle valves at storage dams.

13. Palisades Water Users, Inc., Minidoka-Palisades Project, Idaho: Repayment contract for an additional 500 acre-feet of storage in Palisades Reservoir.

14. Individual irrigators, Willow Creek Project, Oregon: Repayment or water service contracts for up to 3,500 acre-feet of storage space in Willow Creek Reservoir.

15. Roza ID, Yakima Project, Washington: Proposed supplementary deferment contract. Defer 1 year (2 installments) of construction payments because of cost incurred by the district to obtain additional water supplies in anticipation of drought.

16. Vale Oregon ID, Vale Project, Oregon: Supplementary deferment contract to defer the 1988 construction installment under authority of the Act of September 21, 1959. The district has experienced a significant reduction in water supply for the 1988 season.

17. Five Project Spaceholders, Minidoka-Palisades Project, Idaho-Wyoming: Contract amendments to provide for rental of water to other parties.

18. Bridgeport ID, Chief Joseph Project, Washington: Interim and long-term Warren Act contracts for the use of an irrigation outlet in Chief Joseph Dam.

19. Five Irrigation Districts, Arrowrock Division, Boise Project, Idaho: Repayment contract for Safety-of-Dams repair to Deer Flat Dam.

20. State of Wyoming, Palisades Project, Idaho: Repayment contract for the sale of 33,000 acre-feet of uncontracted space in Palisades Reservoir.

21. Hermiston ID, Umatilla Project, Oregon: Repayment contract for Safety-of-Dams repair to Cold Springs Dam.

22. Ochoco ID and various individual spaceholders, Crooked River Project, Oregon: Repayment contract for Safety-of-Dams repair to Arthur Bowman Dam.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone (916) 978–5030.

1. Tuolumne Regional Water District, CVP, California: Water service contract, up to 9,000 acre-feet from New Melones Reservoir.

2. Calaveras County Water District, CVP, California: Water service contract;

2,000 acre-feet from New Melones Reservoir; FR notice published February 5, 1982, Vol. 47, page 5473.

3. Individual irrigators, M&I, and miscellaneous water users, Mid-Pacific Region, California, Oregon, and Nevada: Temporary (interim) water service contracts for available project water for irrigation, M&I, or fish and wildlife purposes providing up to 10,000 acre-feet of water annually for terms up to 5 years; Temporary Warren Act contracts for use of project facilities for terms up to 1 year; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

Note: Copies of the standard form of temporary water service contracts for the various types of service are available, upon written request, from the Regional Director at the address shown above.

4. Friant Unit Contractors, CVP, California: Renewal of existing long-term water service contracts with numerous contractors on the Friant-Kern Canal whose contracts expire 1989–1995. Water quantities in existing contracts range from 1,200 to 175,440 acre-feet.

5. San Luis Water District, CVP, California: Amendatory water service contract providing for a change in point of delivery from Delta-Mendota Canal to the San Luis Canal.

6. ID's and similar water user entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

7. State of California, CVP, California: Contract(s) for, (1) sale of interim water to the Department of Water Resources for use by the State Water Project Contractors, and (2) acquisition of conveyance capacity in the California Aqueduct for use by the CVP, as contemplated in the Coordinated Operation Agreement.

8. Madera ID, Madera Canal, CVP, California: Warren Act contract to convey and/or store nonproject Soquel water through project facilities.

9. County of Tulare, CVP, California: Amendatory water service contract, to provide an additional 1,908 acre-feet and reallocate 400 acre-feet of water from the Ducor ID for a total increase of 2,308 acre-feet.

10. Shasta Dam Area Public Utilities District, CVP, California: Renewal of M&I water supply contract. Less than 6,000 acre-feet.

11. U.S. Fish and Wildlife Service, CVP, California: Long-term contract for water supply for Federal refuge in Grasslands area of California.

12. City of Redding, CVP, California: Amendatory M&I water supply contract.

13. City of Dos Palos, CVP, California: Contract for the use of surplus capacity in the San Luis Canal. The contract will allow the exchange of water with Central California ID and transportation to a new point of delivery. The result will be a significant improvement in quality of water made available to the city's water users.

14. North Kern Water Storage District, Buena Vista Water Storage District, Tulare Lake Basin Water Storage District, and Hacienda Water District, Kern River Project, California: Amendatory contract to provide storage space for M&I water.

15. Contra Costa Water District, CVP, California: Amendatory water service contract to add an additional point of delivery to accommodate the district's proposed Los Vaqueros Project. Amendment will also conform contract to current water ratesetting policies.

16. San Juan Suburban Water District, CVP, California: Amend Contract No. 14–06–200–152A to provide for the current CVP water rates to conform the contract with the provisions of sections 105 and 106 of Pub. L. 99–546.

17. Centerville Community Services District, CVP, California: Water service contract for up to 1,560 acre-feet of M&I water annually.

18. Shasta County Water Agency, CVP, California: Amendatory water service contract to provide for reduction in annual entitlement.

19. Kern County Water Agency, CVP, California: Temporary agricultural water supplies of up to 100,000 acre-feet for 1 year.

20. Central Valley Project, California: Amendatory contract to include the provision of the Act of July 2, 1956 (70 Stat. 483) in existing water service contracts.

21. California Department of Corrections, CVP, California: Water service for up to 1,000 acre-feet of water annually to serve the Sierra Conservation Center (a State prison) near Jamestown, California.

22. Beneficiaries of Link River Dam, Klamath Project, California/Oregon: Contract to provide for repayment of reimbursable costs associated with Safety of Dam expenditures.

23. Redwood Valley Water District, SRPA, California: Amendatory SRPA loan repayment contract.

24. Placer County Water Agency, CVP, California: Amendatory contract to provide for the current CVP water rates.

Lower Colorado Region: Bureau of Reclamation, P.O. Box 427 (Nevada Highway and Park Street), Boulder City, Nevada 89005, telephone (702) 293–8536.

1. Amendment to Contract No. 176r–696 between the Bureau of Reclamation and the Department of the Army to increase the maximum amount of water delivered to the Yuma Proving Grounds from 55 acre-feet to 975 acre-feet, pursuant to the recommendation of the Arizona Department of Water Resources.

2. Agricultural and M&I water users, CAP, Arizona: Water service subcontracts; a certain percent of available supply for irrigation entities and up to 640,000 acre-feet per year for M&I use.

3. Southern Arizona Water Rights Settlement Act: Sale of up to 28,200 acre-feet per year of municipal effluent to the city of Tucson, Arizona.

4. Contracts with five agricultural entities located near the Colorado River, BCP, Arizona: Water service contracts for up to 1,920 acre-feet per year total.

5. Gila River Indian Community, CAP, Arizona: Water service contract for delivery of up to 173,100 acre-feet per year.

6. ID's and similar water user entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

7. Indian and non-Indian agricultural and M&I water users, CAP, Arizona: Contracts for repayment of Federal expenditures for construction of distribution systems.

8. State of Arizona, BCP, Arizona: Contract for an undetermined amount of Colorado River water for M&I use on State-owned land.

9. State of Arizona, BCP, Arizona: Contract for an undetermined amount of Colorado River water for agricultural use and related purposes on State-owned land.

10. Contract with four individual holders of miscellaneous present perfected rights to Colorado River water totalling 4.5 acre-feet, pursuant to the January 9, 1979, Supplemental Decree of the United States Supreme Court in *Arizona* v. *California* (439 U.S. 419).

11. Contracts for delivery of surplus water from the Colorado River, when available, with Emilio Soto and Sons, for 1,836 acre-feet per year; Kennedy Livestock, for 480 acre-feet per year.

12. Imperial ID and/or the Coachella Valley Water District, BCP, California: Contract providing for exchange of up to 10,000 acre-feet of water per year from a well field to be constructed adjacent to the All-American Canal (AAC) for an equivalent amount of Colorado River water and for O&M of the well field, Lower Colorado Water Supply Project, California.

13. Lower Colorado Water Supply Project, California: Water service and

repayment contracts with nonagricultural users in California for consumptive use of up to 10,000 acre-feet of Colorado River water per year in exchange for an equivalent amount of water to be pumped into the AAC from a well field to be constructed adjacent to the canal.

14. Hutchison present perfected rights contract amendment to reflect the transfer of part of the right to Winterhaven, California, Supreme Court Decree in *Arizona* v. *California* and BCP.

15. Winterhaven present perfected rights contract for a portion of Hutchison Present Perfected Rights transfer to Winterhaven, Supreme Court Decree in *Arizona* v. *California* and BCP.

16. County of San Bernardino, SRPA, California: Repayment contract for a $28.6 million loan.

17. Wellton-Mohawk IDD and Gold Dome Mining Corporation (Corporation), Gila Project, Arizona: Contract for delivery of 6.14 acre-feet of water per year to the Corporation through Wellton-Mohawk Division facilities.

18. Wellton-Mohawk IDD, Gila Project, Arizona: Exchange agreement providing for a reduction in Wellton-Mohawk IDD's contractual right to consumptively use 22,000 acre-feet of Colorado River water per year, providing for discharge of the IDD's repayment obligation and exemption from the full-cost pricing and acreage limitation provisions of Federal Reclamation law; Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988.

19. Water delivery contracts with seven Phoenix area cities providing for the delivery of up to 27,000 acre-feet per year through the CAP; Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988.

20. Agreements with seven Phoenix area cities providing for the lease of the Salt River Pima-Maricopa Indian Community's CAP entitlement of 13,300 acre-feet per year to the cities; Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988.

21. Salt River Pima-Maricopa Indian Community, CAP, Arizona: Amendatory CAP water delivery contract providing for extension of the contract term and authorizing the Community to lease its CAP water to the Phoenix area cities; Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988.

22. Salt River Pima-Maricopa Indian Community, Salt River Project, Arizona: Amendatory agreement to increase the Community's allotment of Bartlett Dam water from the Salt River Project; Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988.

23. Roosevelt Water Conservation District, Salt River Project, Arizona: Agreement assigning a portion of the District's CAP agricultural water to seven Phoenix area cities; Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988.

24. Roosevelt Water Conservation District, Salt River Project, Arizona: Agreement to extend the term of the District's water salvage contract; Salt River Pima-Maricopa Indian Water Rights Settlement Act of 1988.

25. Tohono O'odham Nation, SRPA, Tucson, Arizona: Repayment contract for an $8.2 million loan to the Schuk Toak District.

26. San Carlos IDD, San Carlos Project, Arizona: Repayment contract for District's share of the Safety-of-Dams repair to Coolidge Dam.

27. Gila River Indian Community, San Carlos Project, Arizona: Repayment contract for Community's share of the Safety-of-Dams repair to Coolidge Dam.

28. Sturges Trust, Gila Project, Arizona: Contract for delivery of 8,500 acre-feet of Colorado River water per year for agricultural use as recommended by the State of Arizona and to recognize the present perfected right to the use of Colorado River water.

29. Phoenix Area Cities, CAP, Arizona: Amendment to the CAP Plan 6 Funding Agreement to extend the deadline to demand the return of funds contributed for the Cliff Dam alternative water supply.

Upper Colorado Region: Bureau of Reclamation, P.O. Box 11568, 125 South State Street, Salt Lake City, Utah 84147, telephone (801) 524–5435.

1. Individual irrigators, M&I, and miscellaneous water users, Utah, Wyoming, Colorado, and New Mexico: Temporary (interim) water service contracts for surplus project water to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

(a) The Benevolent and Protective Order of the Elks, Lodge No. 1747, Navajo Reservoir, CRSP, New Mexico: Water service contract; 20 acre-feet per year for municipal use; contract term for 40 years from execution.

(b) Mt. Crested Butte Water and Sanitation District, Blue Mesa Reservoir, CRSP, Colorado: Water service contract; 25 acre-feet per year to support present diversion rights for municipal use; contract term for 40 years from execution.

2. La Plata Conservancy District, Animas-La Plata Project, New Mexico: Repayment contract; 9,900 acre-feet per year for irrigation, terms consistent with binding cost-sharing agreement, dated June 30, 1986.

3. San Juan Water Commission, Animas-La Plata Project, New Mexico: Repayment contract; 30,800 acre-feet per year for M&I, terms consistent with binding cost-sharing agreement, dated June 30, 1986.

4. Southern Ute Indian Tribe, Animas-La Plata Project, Colorado: Repayment contract for 26,500 acre-feet per year for M&I use and 2,600 acre-feet per year for irrigation use in Phase One and 3,300 acre-feet in Phase Two. Contract terms to be consistent with binding cost-sharing agreement and water rights settlement agreement, in principle.

5. Ute Mountain Ute Tribe, Animas-La Plata Project, Colorado and New Mexico: Repayment contract; 6,000 acre-feet per year for M&I use in Colorado; 26,400 acre-feet per year for irrigation use in Colorado; and 900 acre-feet per year for irrigation use in New Mexico. Contract terms to be consistent with binding cost-sharing agreement and water rights settlement agreement.

6. Navajo Indian Tribe, Animas-La Plata Project, New Mexico: Repayment contract; 7,600 acre-feet per year for M&I use.

7. State of Colorado, Animas-La Plata Project, Colorado: Escrow Account Agreement.

8. Uintah Water Conservancy District, Jensen Unit, CUP, Utah: Amendatory repayment contract to reduce M&I water supply and corresponding repayment obligation.

9. Vermejo Conservancy District, Vermejo Project, New Mexico: Amendatory contract to relieve the district of further repayment obligation, presently exceeding $2 million, pursuant to Public Law 96–550.

10. Conejos Water Conservancy District, San Luis Valley Project, Colorado: Amendatory contract to place operation, maintenance, and replacement costs on a variable basis commensurate with the availability of project water.

11. Weber Basin Water Conservancy District, Weber Basin Project, Utah: Repayment contract for R&B of the A.V. Watkins Dike.

12. Ogden River Water Users Association, Ogden River Project, Utah: Repayment contract for R&B of portions of the Pineview Dam, Ogden Canyon Conduit, Ogden-Brigham Canal and South Ogden Highline Canal

13. South Cache Water User's Association, Hyrum Project, Utah: Repayment contract for R&B of portion of Hyrum Dam, Hyrum/Mendon Canal.

Hyrum Feeder Canal, Wellsville Canal, and other miscellaneous work.

14. State of Colorado, San Luis Valley Project, Colorado: Cost-sharing contract for Closed Basin Division.

15. Miscellaneous M&I and irrigation water users in New Mexico, San Juan-Chama Project, New Mexico-Colorado: Repayment contracts for remaining project water allocated in 1975 or before. Contract amounts vary from 60 to 3,000 acre-feet

16. Individual irrigators, M&I users, and miscellaneous water users, Dallas Creek Project, Wayne N. Aspinall Unit, CRSP, Colorado: Drought relief pursuant to Disaster Assistance Act of 1988 for temporary water service contracts for surplus project water up to 10,000 acre-feet through 1989.

Great Plains Region: Bureau of Reclamation, P.O. Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107–6900, telephone (406) 657–6413.

1. Individual irrigators, M&I, and miscellaneous water users, Great Plains Region, Montana, Wyoming, North Dakota, South Dakota, Colorado, Kansas, Nebraska, Oklahoma, and Texas: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Fort Shaw ID, Sun River Project, Montana: R&B loan repayment contract; up to $1.5 million.

3. ID's and similar water user entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

4. Owl Creek ID, Owl Creek Unit, P–SMBP, Wyoming: Amendatory water service contract to reflect reduced water supply benefits being received from Anchor Reservoir.

5. Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado: Water service contracts for the marketable yield to water users within the Colorado River Basin of Western Colorado.

6. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Second round negotiations of a water service contract for sale of the regulatory capacity of Ruedi Reservoir.

7. East Slope Storage system, Pueblo Reservoir, Twin Lakes, and Turquoise Reservoir, Fryingpan-Arkansas Project, Colorado: Contract for temporary and long-term storage and exchange contracts.

8. Cedar Bluff ID No. 6, Cedar Bluff Unit, P–SMBP, Kansas: Amendatory repayment contract to relieve all contract obligations. The reservoir storage capacity has been sold to the State of Kansas for fish, wildlife, recreation, and other purposes.

9. Mirage Flats ID and the Nebraska Game and Parks Commission, Mirage Flats Project, Nebraska: Agreement to retain storage in Box Butte Reservoir for fish, wildlife and recreation purposes.

10. Frenchman Valley Irrigation District, Frenchman Unit, P–SMBP, Nebraska: Pending passage of legislation, renegotiate District's existing contract to reduce payments based on payment ability and reduced water supply.

11. Northern Colorado Water Conservancy District and the Municipal Subdistrict, Colorado-Big Thompson Project, Colorado: Contract for storage and conveyance of water for the Windy Gap Project; Amendatory contract to make administrative and technical revisions to conform the contract terms and conditions to the Windy Gap Project as actually constructed and operated.

12. Department of Natural Resources and Conservation, SRPA, Montana: Grant and loan contract for rehabilitation of Middle Creek Dam to meet required safety criteria and to increase reservoir storage capacity by 1,917 acre-feet which will be utilized for irrigation and municipal purposes.

13. Garrison Diversion Unit, P–SMBP, North Dakota: Repayment contract; Renegotiation of the master repayment contract with Garrison Diversion Conservancy District to bring the terms in line with the Garrison Diversion Unit Reformulation Act of 1986. Negotiation of repayment contracts with irrigators and M&I users.

14. Gray Goose ID, Gray Goose Unit, P–SMBP, South Dakota: Contract negotiations to integrate Gray Goose ID into the P–SMBP as authorized pursuant to section 1120 of the Water Resource Development Act of January 21, 1986 (Pub. L. 99–662).

15. Hilltop ID, Hilltop Unit, P–SMBP, South Dakota: Contract negotiations to integrate Hilltop ID into the P–SMBP as authorized pursuant to section 1120 of the Water Resource Development Act of January 21, 1986 (Pub. L. 99–662).

16. PacifiCorp, formerly Pacific Power and Light Company, Glendo Unit, P–SMBP, Wyoming: Contract negotiations for renewal of water storage contract for 2,000 acre-feet of nonproject industrial water.

17. Corn Creek ID, Glendo Unit, P–SMBP, Wyoming: Repayment contract for 10,350 acre-feet of supplemental irrigation water from Glendo Reservoir.

18. Hidalgo County ID No. 1, Lower Rio Grande Valley, Texas: Supplemental SRPA loan contract for approximately $13,205,000. The contracting process is dependent upon final approval of the supplemental loan report.

19. Foss Reservoir Master Conservancy District, Washita Basin Project, Oklahoma: Amendatory repayment contract for remedial work.

20. Arbuckle Master Conservancy District, Arbuckle Project, Oklahoma: Contract for the repayment of costs incurred by the United States for the construction of the Sulphur, Oklahoma, pipeline and pumping plant.

21. Arbuckle Master Conservancy District, Arbuckle Project, Oklahoma: Amendatory contract for revised repayment schedule to reflect credit for project lands transferred to National Park Service under Pub. L. 94–235 for the Chickasaw National Recreation Area.

22. Highland-Hanover ID, Boysen Unit, P–SMBP, Wyoming: R&B loan repayment.

23. Upper Bluff ID, Boysen Unit, P–SMBP, Wyoming: R&B loan repayment.

24. Board of Water Commissioners of the City and County of Denver, the Colorado River Water Conservation District, and the Northern Colorado Water Conservancy District, Colorado-Big Thompson Project, Colorado: Operating agreement for substitution of water in the proposed Muddy Creek or Rock Creek Reservoir for Green Mountain Reservoir water.

25. City of Dickinson, Heart River Unit, P–SMBP, North Dakota: Renegotiate water service contract number I79r–1412. Existing contract expires on September 24, 1989.

26. Malta Irrigation District, Milk River Project, Montana: R&B contract for repayment of $5,600,000 loan.

27. Glasgow Irrigation District, Milk River Project, Montana: R&B contract for repayment of $2,050,000 loan.

28. Twin Loups ID, North Loup Project, P–SMBP, Nebraska: Amendatory D&MC contract to increase ceiling from $500,000 to $2.5 million.

Opportunity for public participation and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

(1) Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

(2) Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of the Bureau of Reclamation.

(3) All written correspondence regarding proposed contracts will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

(4) Written comments on proposed contract or contract action must be submitted to the appropriate Bureau of Reclamation officials at locations and within the time limits set forth in the advance public notices.

(5) All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

(6) Copies of specific proposed contracts may be obtained from the appropriate Regional Director or his designated public contact as they become available for review and comment.

(7) In the event modifications are made in the form of a proposed contract, the appropriate Regional Director shall determine whether republication of the notice and/or extension of the 60-day comment period is necessary.

Factors which shall be considered in making such a determination shall include, but are not limited to: (i) The significance of the impact(s) of the modification, and (ii) the public interest which has been expressed over the course of the negotiations. As a minimum, the Regional Director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Joe D. Hall,

Acting Commissioner of Reclamation.

Date: July 24, 1989.

[FR Doc. 89-17728 Filed 7-28-89; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-167 (Sub. 1093X)]

Consolidated Rail Corp.; Exemption To Abandon Railroad in Broome County, NY

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 3.1-mile line of railroad between milepost 196.6 and milepost 199.7 in Broome County, NY.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on August 30, 1989 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by August 10, 1989.[3] Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by August 21, 1989, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Jonathan M. Broder, Consolidated Rail Corporation, 1138 Six Penn Center Plaza, Philadelphia, PA 19103.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by August 4, 1989. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Acting Chief, SEE at (202) 275-7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: July 19, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 89-17581 Filed 7-28-89; 8:45 am]

BILLING CODE 7035-01-M

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989); 49 CFR 1152.50(d)(4). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

DEPARTMENT OF JUSTICE

Office of Justice Programs

Family Violence Information Dissemination Program

AGENCY: Department of Justice, Office of Justice Programs, Office for Victims of Crime.

ACTION: Notice of availability of funds and request for applications for Family Violence Information Dissemination Program grants.

SUMMARY: The Office for Victims of Crime is publishing this notice to announce the availability of funds under a new program initiative to provide information regarding services that are available to victims of family violence and documentation of family violence incidents, to victims of family violence and their families. Demonstration grants will be made available to local law enforcement agencies, working in coordination with local social service agencies, shelters and hospitals, to develop and disseminate materials related to the rights of abused family members and the services available to abused family members. The law enforcement agencies will also be required to work with other service providers to develop procedures whereby an abused family member could receive a written report of each incident of physical abuse reported as well as a copy of the initial police report.

DATE: Applications are due by September 6, 1989.

ADDRESS: Address applications to: Office for Victims of Crime, National

Victims Initiative Division, 633 Indiana Ave., NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Claudio P. Bellolki, National Victims Initiative Division, (202) 272–6500. Additionally, information concerning model programs and practices is available from the National Criminal Justice Reference Service, 1600 Research Boulevard, Rockville, Maryland 20850, and the National Victims Resource Center, Box 6000, Rockville, Maryland 20850 (301) 251–5525.

SUPPLEMENTARY INFORMATION:

(a) Background

The Child Abuse Prevention, Adoption and Family Services Act of 1988, Pub. L. 100–294, § 303(b)(2), 102 Stat. 125, amending the Family Violence Prevention and Services Act, Pub. L. 98–457, 98 Stat. 1757, 42 U.S.C. 10410. Title III (Sec. 301–303, inclusive) of this Act is entitled the "Family Violence Prevention and Services Act." The overall purpose of Title III is to: demonstrate the effectiveness of assisting states in efforts to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents; and to provide technical assistance and training in the area of family violence to states, local public agencies, nonprofit private organizations, and other persons seeking such assistance.

42 U.S.C. 10410(b)(2)(A), the family violence information component, relates specifically to local law enforcement agencies providing various forms of information to persons who are victims of family violence, stating as follows:

(2)(A) The Secretary shall award grants or contracts to local law enforcement agencies, acting in coordination with domestic violence shelters, social service agencies and hospitals, for the purpose of:

(i) the development of materials, to be provided to each abused family member at the time such spouse is identified by law enforcement officers, hospital personnel, social services personnel, education counseling personnel, and other appropriate personnel involved in the identification of family violence cases that include:

(I) an explanation in basic terms of:

(aa) the rights of the abused family member under the laws of the jurisdiction involved; and

(bb) the services available to the abused family member, including intervention, treatment, and support services; and

(II) phone numbers and addresses for the services described in subparagraph (A)(ii);

(ii) the development of procedures whereby domestic violence shelter, hospital, social service, or law enforcement personnel provide to an abused family member a written report, relating to each incidence of physical abuse reported by the family member, that includes a description of physical injuries to the family member observed by such personnel; and

(iii) the development of systems whereby domestic violence shelter or local social service personnel, with the consent of the abused family member involved, may obtain from local law enforcement personnel information relating to abuse of such family member, including a report describing the initial contact of such family member and the law enforcement agency.

(B) The Secretary shall provide assurances that procedures will be developed under this paragraph to guarantee the confidentiality of the records maintained.

The responsibilities for implementing the provisions of this section of the Act are delegated to the Attorney General under the provisions of 42 U.S.C. 10410 (c).

The information provisions of the Act as well as a separate section related to developing data on individual characteristics relating to family violence and the objective documentation of the data on the incidence of family violence were companion amendments. Congress found that in many of the reported cases of family violence, the family member had been previously abused. However, because of the nature of family violence and the various agencies which respond, many cases were not officially reported. Therefore, a victim who wanted to provide documentation to past abusive acts was unable to do so.

The two new provisions of the Act will begin to address this shortcoming. The Department of Health and Human Services is now required to develop data on the victims of family violence and their dependents based on injuries that are brought to the attention of hospital, social service, or law enforcement personnel, whether or not formal civil or criminal action is taken. Further, in addition to requiring the collection of data, the Act now requires that information concerning the availability of services and shelters be placed into the hands of the victims as soon as possible. Often victims do not know their rights or the location of the closest shelter.

(b) Purpose

The Office for Victims of Crime is making $40,000 available to local law enforcement agencies for grants not to exceed $10,000 in order to improve the information available to victims of family violence. Specifically, the funds will be used to: develop and distribute informational materials to family violence victims; develop procedures whereby domestic violence shelters, hospitals, social service agencies and local law enforcement agencies provide family violence victims with a written report related to the abuse reported by that individual; and develop a system whereby domestic violence shelter or local social service personnel, with the consent of the victim, may obtain from the local law enforcement agency information relating to abuse of the victim, including a report describing the initial contract of such family member and the law enforcement agency.

(c) Eligible Applicants

Applications will be accepted from any local enforcement agency including: town or village police departments, city police departments, county police departments, and sheriffs departments. The chief executive of any town, village and/or county can make application on behalf of his/her law enforcement agency if assurances are provided within the application that he/she has the support of the local law enforcement agency. Applications submitted directly from a local law enforcement agency must be submitted by the head of the agency.

(d) Program Description

The Family Violence Information Dissemination Program contains three program elements. In order to be eligible for funding consideration, each applicant must address each of the elements. The three elements of the program are:

1. Development of informational materials for family violence victims. Law enforcement agencies are requested to either develop, revise and/or reprint materials that can be used by law enforcement officers, hospital personnel, social service personnel, educational counseling personnel, and other personnel involved in the identification of family violence cases. The materials should contain: information that relates to the rights of the victim under the law of the jurisdiction involved; the services available to the abused family member, including intervention, treatment, and support services; and phone numbers and addresses for all these services.

Informational materials should be developed in sufficient quantity to meet the needs of a particular community or jurisdiction and should be relevant and

appropriate to the population served. Areas serving populations where English is primarily the second language are encouraged to develop materials that are culturally relevant and in a form and language that is clearly comprehended.

To ensure appropriateness of material, applicants are encouraged to involve personnel from other agencies which respond to family violence cases. Further, the applicant must provide assurances from these other agencies of collaborative efforts and that the materials will be utilized.

2. Development of procedures whereby domestic violence shelters, hospitals, social service agencies and local law enforcement agencies provide family violence victims with a written report related to the abuse reported by that individual. Law enforcement agencies are required to work with agencies that commonly are involved in the identification of family violence cases in developing and implementing a procedure that ensures that victims of family violence receive a written report of each incident of abuse reported. The applicant must secure cooperation of the appropriate agencies and the assurance from agencies that they will comply with the procedures that are developed.

3. Develop a system whereby domestic violence shelters or local social service personnel, with the consent of the victim, may obtain from the local law enforcement agency information relating to abuse of the victim, including a report describing the initial contact with such family members and the law enforcement agency. One of the problems experienced by family violence victims is that incidence reports regarding their victimization have not been made available to the victim. Without this documentation, victims have often had difficulty in obtaining timely judicial relief and protection. Applicants must describe the method for making incident reports on all family violence incidents, which they are called to investigate, available to the victim or an authorized representative of the victim. Applicants must also provide assurances that the process developed will be utilized.

(e) Selection Criteria

In determining which applications to fund, the Office for Victims of Crime will consider the following:

A. the degree to which the applicant has addressed the three program requirements, including obtaining all applicable assurances of cooperation:

1. development and production of informational materials; (20 points)

2. development and implementation of procedures to ensure that family violence victims receive a written report of each incident; (20 points)

3. development and implementation of a method for making the law enforcement agency's information available to family violence victims. (20 points)

B. The comprehensiveness of the proposed material to be developed and evidence of involvement of appropriate agencies. (10 points)

C. The ethnic and cultural relevance of the material to be developed, depending upon the composition of the community. (10 points)

D. The cost benefit ratio of the material/procedures to be developed, i.e. how many people will benefit from this program and the likelihood that programs will become self-sustaining. (10 points)

E. The demonstrated need for development of new and/or revised materials and procedures in the community. (10 points)

(f) Grant Period and Award Amount

The Office for Victims of Crime will make $40,000 available for this program. The Office anticipates making four grants. The grants will be for 12 months and will cover 100% of the project costs. Applicants are requested to prepare a budget not to exceed $10,000.

(g) Submission Deadlines

Applications must be received by September 6, 1989. Applications which are hand delivered must be received by the close of business: 5:00 P.M. E.D.T.

(h) Applications

Applicants should submit three (3) copies of thier completed proposal by the deadline established above. All submissions must include:

A. A completed and signed Federal Assistance application on the current Standard Form 424. Copies of the required forms, and any information or clarification regarding them, may be obtained by writing the Office for Victims of Crime, National Victims Initiative Division, 633 Indiana Ave NW., Washington, DC, 20531. (202)–272–6500.

B. A summary of the full proposal, not to exceed one page.

C. A program narrative of not more than ten (10) double spaced typed pages. The narrative should describe how the applicant intends to address each of the three program elements.

D. A proposed budget outlining all direct and indirect costs contemplated by the applicant. Proposed expenditures should be listed for each of the following categories: personnel, fringe benefits, travel, equipment, supplies, contractual, and indirect costs. A short narrative justification of each budgeted cost should also be included.

All three copies of the application must be sent or hand delivered to: Office for Victims of Crime, 633 Indiana Avenue NW., Washington, DC 20531, by the deadline established above.

(i) Notification Under Executive Order 12372

This program provides support for training and technical assistance for law enforcement and other personnel as well as the development of materials and procedures to assist in addressing issues related to family violence. The Department of Health and Human Services, under whose authority these funds are transferred to the Department of Justice, excludes this program from coverage under Executive Order 12372. As this program is national in scope, the requirements of Executive Order 12372 are waived.

Approved:

Jane Nady Burnley,

Director, Office for Victims of Crime.

[FR Doc. 88–17907 Filed 7–28–89; 8:45 am]

BILLING CODE 4410–18–M

Law Enforcement Training and Technical Assistance Grants

AGENCY: Department of Justice, Office of Justice Programs, Office for Victims of Crime

ACTION: Notice of availability of funds and request for applications for law enforcement training and technical assistance grants.

SUMMARY: The Office for Victims of Crime (OVC) is publishing this notice to announce the availability of Family Violence Prevention and Services Act funds for Fiscal Year 1989. The purpose of these funds is to provide training and technical assistance to local and state law enforcement agencies on the response to incidents of family violence.

DATE: Applications are due by September 6, 1989.

ADDRESS: Address applications to: Office for Victims of Crime, National Victims Initiative Division, 633 Indiana Ave, NW., Washington DC 20531.

FOR FURTHER INFORMATION CONTACT: Claudio Belloli, National Victims Initiative Division, (202) 272–6500. Additionally, information concerning model programs and practices is available from the National Criminal Justice Reference Service, 1600 Research

Boulevard, Rockville, Maryland 20850, and the National Victims Resource Center, Box 6000, Rockville, Maryland 20850, (301) 251–5525.

SUPPLEMENTARY INFORMATION:

(a) Background

The authority for this program is found in The Family Violence Prevention and Services Act, Pub. L. No. 98–457, section 311, 98 Stat. 1763, 42 U.S.C.A. section 10410 (a) and (b) [1] (West Supp. 1989). The overall purpose of this Act is: to demonstrate the effectiveness of assisting states in efforts to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents; and to provide technical assistance and training in the area of family violence to states, local public agencies, nonprofit private organizations, and other persons seeking such assistance.

42 U.S.C. 10410, Law Enforcement Training and Technical Assistance Grants and Contracts, authorizes the Department of Justice to provide regionally-based training and technical assistance to personnel of local and state law enforcement agencies in methods for responding to incidents of family violence. Funds for these efforts are transferred annually to the Department of Justice, Office of Justice Programs (OJP) from the Department of Health and Human Services (DHHS), Office of Human Development Services.

This announcement applies only to 42 U.S.C.A. section 10410 (a) and (b)[1]. A separate **Federal Register** announcement has been developed for section 311, 42 U.S.C.A. section 10410 (b)(2)(A), known as the Family Member Abuse Information and Documentation Project. The term "family violence" is defined in 42 U.S.C.A. § 10410(1) to mean any act or threatened act of violence, including any forceful detention of any individual which:

(A) results or threatens to result in physical injury; and

(B) is committed by a person against another individual (including an elderly person) to whom such person is or was related by blood or marriage or with whom such person is or was lawfully residing.

The Office for Victims of Crime has received funds from the Department of Health and Human Services to administer the Law Enforcement Training and Technical Assistance portion of the Family Violence Prevention and Services Act since 1986. In FY 1986, $700,000 was transferred to the Office of Justice Programs; in FY 1987, $500,000 was transferred; and in FY 1988, $400,000 was transferred. All the funds transferred to OJP, except for $150,000 of funds transferred in FY 1986, have been used for developing and implementing programs and for training law enforcement executives and trainers. The $150,000 transferred in FY 1986 was utilized by the National Institute of Justice to help support research projects related to law enforcement intervention in domestic violence cases.

More specifically, grants have been made to the Victim Service Agency (VSA) of New York City and the National Organization of Black Law Enforcement Executives (NOBLE) for the following activities.

- Phase I (VSA): During this initial phase of training, law enforcement executives were provided with a clear understanding of the causes, nature and appropriate response to family violence. Executives were also assisted in developing effective operational procedures for their agencies through regional policy development conferences. Law enforcement agencies throughout the country were surveyed regarding their family violence policies, practices and training programs. Information collected was used to develop model operational procedures for handling family violence cases, training manuals for law enforcement executives and policy makers, and a training video tape.
- Phase II (VSA): Phase II was intended to give training officers the tools to implement effective policies and practices. VSA developed and conducted a training program for law enforcement training officers. A trainers' manual entitled, "Training and Operational Procedures: A Coordinated Response to Domestic Violence" and a video tape were produced.
- Phase III (NOBLE): Utilizing the material produced under the previous grants, NOBLE has conducted regional training for state and local law enforcement executives and mid-level managers. This training will conclude in January 1990.

Law enforcement training provided thus far under the auspices of the Family Violence Prevention and Services Act has had a significant impact. To date, training has been provided to approximately 1200 persons, representing 450 law enforcement agencies. A survey of the departments that have been trained indicates that of those that responded to the survey (58), 45 of them (78% of the respondents), changed their policies because of the training they received. These jurisdictions affect a population of over 16 million people. Policy changes adopted by these agencies include: development and implementation of pro-arrest and/or mandatory arrest policies; expansion of victim assistance services; mandated reporting of all domestic violence incidents; increased community coordination; enhanced on-scene investigation; review and refining of definitions related to domestic violence; and development of written policies. However, because the training has focused on broad policy issues and has been regional, there has been little opportunity to tailor training to the laws of an individual state.

(b) Purpose

The Office for Victims of Crime is making $360,000 available to organizations and agencies that have had previous experience in training law enforcement officers, law enforcement trainers and law enforcement policy makers. The organizations selected will be required to develop and implement a training program for law enforcement policy makers and officers on the most effective procedures and policies for responding to incidents of family violence within a given state.

(c) Eligible Applicants

Applications will be accepted from any organization or agency that has had experience in training law enforcement policy makers and officers in responding to family violence incidents. As this program will focus primarily on training of law enforcement policy makers and developing a training curriculum for line officers within a particular state, the applicant should have experience in and knowledge about the applicable laws in that state. Further, as it is recognized that the amount of funds available for this program cannot address all the training needs of a particular state, preference will be given to applicants who demonstrate an investment of non-Federal resources in the development of this program. Resources may be in the form of staff time, utilization of existing training materials and facilities.

As competition will be based upon the best possible application, agencies and organizations representing a single state are encouraged to join together in developing an application. No more than one application per state will receive funding.

Since the purpose of the program is to provide training to the maximum number of law enforcement officers, preference will be given to state law enforcement training programs which have an ongoing role in training of law enforcement personnel.

(d) Program Description

Approximately six projects will be funded. Each project must focus primarily on the training and policy development needs of an individual state. However, while focusing on the needs of an individual state, the training program should be broad enough so that law enforcement officials from neighboring states who wish to attend will benefit from the training.

The Office for Victims of Crime does not want to duplicate existing training efforts in a particular state. The goal is to ensure that the information that has been developed under previous grants is utilized and made more relevant to specific state circumstances.

Under this program we are requesting the applicants to review their current family violence training program and either update, modify, expand and/or supplement their current law enforcement family violence training curricula.

Each program should contain, at a minimum, the following components:

• Develop and implement a training program for state and local law enforcement management personnel and policy makers on effective policies and procedures for responding to incidents of family violence. The program should include statewide/regional training sessions for sheriffs, chiefs of police and other law enforcement policy makers and mid-level managers. The training sessions should be formatted and tailored to reach as many policy makers as possible. Further, in designing the training program the applicant should consider adapting training material that has been developed under previous grants or materials which are currently available to the state. Funds could be used to modify, update, amend, or expand existing training documents.

• The curriculum should be applicable to all line law enforcement officers operating within a particular state. It should utilize current up-to-date information, procedures and policies. Applicants are enouraged to ensure that all material is consistent with state law and with accepted law enforcement practices regarding intervening in family violence situations. Many of the practices and policies advocated by the Office for Victims of Crime can be found in the recommendations of the Attorney General's Task Force on Family Violence and in materials developed by the Victim Services Agency (New York City) under a previous grant. Activities that would be acceptable under this portion of the program are:

• Development of short instructional video tapes. The tapes would present a situation(s) that a law enforcement officer would expect to encounter and would require the officer to take a course of action and explain his/her reasoning for taking this action.

• Revision of the existing training curriculum to incorporate actions which need to be taken because of the passage of new family violence related laws.

• Supplementing outdated training material with more relevant and timely material. Applicants may wish to consider supplementing existing material with computer software tailored to the training needs of law enforcement officers.

• Rewriting the existing curriculum to make it more specific for line officers. Some training curricula, while appropriate, are too long for all officers to attend. Reducing existing curricula so that more officers could benefit from the training would be allowable.

• Develop a plan for ensuring that the line officer training program developed under the auspices of or in conjunction with this grant program is implemented.

(e) Selection Criteria

In determining which applications to fund, the Office for Victims of Crime will consider the following:

1. Experience in developing and delivering law enforcement family violence training, including the expertise and background of staff assigned to this effort. (10 points)

2. Appropriateness to program design and approach to identified problem. (20 points)

3. Soundness of methodology. (20 points)

4. Cost effectiveness and investment of agencies' own training resources. (20 points)

5. Extent to which existing material is utilized and to which materials are consistent with practices and policies of the Attorney General's Task Force on Family Violence and materials developed under previous grants. (10 points).

6. The number of persons and agencies that will benefit from training received under this grant program. (20 points)

(f) Funds Available

The Office for Victims of Crime will make $360,000 available for this program effort.

(g) Grant Period and Award Amount

The Office for Victims of Crime anticipates making up to six grants. The grants will be for eighteen (18) months and will cover 100 percent of the project costs. Though no matching funds are required, preference will be given to applicants who demonstrate an investment of non-Federal resources in the development of this program. Grant awards will range from $50,000 to $75,000 and will be based upon need.

(h) Submission Deadlines

Applications must be received by September 6, 1989. Applications which are hand delivered must be received by the close of business (5:00 P.M. E.D.T.).

(i) Applications .

Applicants should submit three (3) copies of their completed proposal by the deadline established above. All submissions must include:

A. A completed and signed Federal Assistance application on the current Standard Form 424. Copies of the required forms, and any information or clarification regarding them, may be obtained by writing the Office for Victims of Crime, National Victims Initiative Division, 633 Indiana Ave N.W., Washington, D.C. 20531. (202) 272–6500.

B. A summary of the full proposal, not to exceed one page.

C. A program narrative of not more than twenty (20) double spaced typed pages. The narrative should include the following information:

1. A clear, concise statement of the issues surrounding the problem and a summary of how the proposed work conforms to practices and policies of the Attorney General's Task Force on Family Violence;

2. A clear statement of the project objectives including an approximation of the number of law enforcement personnel to be trained, a list of the major milestones of events, activities, products, and a timetable for completion.

3. A clear statement which describes the approach and strategy to be utilized in responsding to each of the tasks identified in the program description. Applicants should indicate how the training package will be individualized for the proposed target audience, and how the organization plans to maximize attendance;

4. The proposed organization and management plan, including, at a minimum, the staff of the project, with their experience, the time commitments of the staff to individual project tasks and current agency training resources used to support the project;

5. A proposed budget outlining all direct and indirect costs contemplated by the applicant. Proposed expenditures should be listed for each of the following categories: personnel, fringe benefits, travel, equipment, supplies, contractual,

and indirect costs. A short narrative justification of each budgeted cost should also be included. It is anticipated that a subcontract relationship with the developer of the training curriculum may be established. If such a relationship is contemplated, a separate detailed budget should be submitted;

6. Copies of vitae for the professional staff.

All three copies of the application must be sent or hand delivered to: Office for Victims of Crime, 633 Indiana Avenue, NW., Washington, D.C. 20531, by the deadline established above.

(j) Notification Under Executive Order 12372:

This program provides support for training and technical assistance for law enforcement and other personnel to assist in addressing issues related to family violence. The Department of Health and Human Services, under whose authority these funds are transferred to the Department of Justice, excludes this program from coverage under Executive Order 12372. This training and technical assistance program is national in scope and the statutory requirement for "regionally based training" will be offered by selected grantees in a few cities nationwide. Therefore, the requirements of Executive Order 12372 are waived.

Approved:

Jane Nady Burnley,

Director, Office for Victims of Crime.

[FR Doc. 89–17908 Filed 7–28–89; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatetments. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 3208, Washington, DC 20503 (Telephone (202) 395–6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Employment and Training Administration
Standard Questionnaire for Manufacturing Firms
1205–0194; ETA 8561 A/B/C
On occasion
Business or other-for-profit; Small businesses or organizations700 respondents; 3,975 total hours; 4.25 hrs. per response; 1 form

Data and information needed to prepare Secretary of Labor reports to the President under sections 202 and 224 of the Trade Act of 1974 as amended which are used in determining type(s) of import relief, if any, to be granted to import impacted industries.

Extension

Employment and Training Administration
Customer Survey Data Request
1205–0190; ETA 8562
On occasion
Business or other for-profit; Small businesses or organizations18, 630 respondents; 20,493 total hours; 1 hr 6 min. per response; 1 form

Information needed for Secretary of Labor to make determinations of eligibility of petitioning workers to apply for trade adjustment assistance in accordance with sections 222, 223, and 249 the Trade Act of 1974 as amended, affecting manufacturers, wholesalers, retailers and distributors.

Occupational Safety and Health Administration
Oganizational statement for fire brigades
1218–0075
Businesses or other for-profit2,750 responses; 269 hours

The organizational statement describes what the fire brigade is expected to do, and will help employees understand their duties and responsibiities as fire brigade members. It will also inform compliance officers of the type of firefighting which will be performed, and if the level of training is consistent with that type of firefighting.

Occupational Safety and Health Administration
Diving Related Recordkeeping
1218–0069
Businesses or other for-profit; small businesses or organizations3,000 respondents; 111,005 total burden hours; 421,200 forms; 0.263544 hours per response;

These requirements/records are directed toward assuring the safety/health of divers exposed to hyperbaric conditions during and after undersea activities. Additionally, the safety standards requiring records pertaining to diving equipment are intended to bring about a safe workplace and, thus, better assure the occupational safety of the divers.

President's Committee on Employment of the Handicapped
Job Accommodation Network Project
JAN–PCEH
On occasion
State or local governments; businesses or other for profit; Federal agencies or employees; small businesses or organizations5200 responses; 2600 hours; 1 form

The collection of data with the proposed direct-mail questionnaire will permit the development of a computer-based information resource which may be accessed by representatives of business for the purpose of identifying accommodations which will assist handicapped persons in obtaining employment.

Employment Standards Administration
Request for State or Federal Workers' Compensation Information
1215–0060; CM–905
On occasion
State or local governments; Federal agencies or employees4400 respondents; 1100 total hours; 15 min. per response; 1 form

30 U.S.C. 922 and 20 CFR 725.535 specify that beneficiaries or DCMWC have their benfeits reduced by those amounts which they may receive from State or other Federal workers' compensation programs attributable to a black lung related disability.

Signed at Washington, DC this 24th day of July, 1989.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 89–17741 Filed 7–28–89; 8:45 am]

BILLING CODE 4510–22–M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Hearing

ACTION: Notice of hearing location.

SUMMARY: This announcement is to notify the public of the location of the Los Angeles, California hearing. The location of the hearing is in the Seminar Room, Economics Hall, at the Museum of Science and Industry, University of Southern California Campus, 700 State Drive, Los Angeles, California. This was originally announced in the **Federal Register** on Wednesday, July 19, 1989 at page 30293.

DATES: Thursday, August 3, 1989, 9:00–1:00; Friday, August 4, 1989, 9:00–12:00.

FOR FURTHER INFORMATION CONTACT: Barbara C. McQuown, Director, National Commission for Employment Policy, 1522 K Street, NW., Suite 300, Washington, DC 20005, (202) 724–1545.

Signed at Washington, DC, this 21st day of July.

Barbara C. McQuown,

Director, National Commission for Employment Policy.

[FR Doc. 89–17743 Filed 7–28–89; 8:45 am]

BILLING CODE 4510–22–M

Meeting

ACTION: Notice of meeting location.

SUMMARY: This announcement is to notify the public of the location of the Los Angeles, California meeting. The location of the meeting is in the Manhattan Room at the Compri Hotel-LAX, 1985 East Grand Avenue, El Segundo, California, 90245. This was originally announced in the **Federal Register** on Wednesday, July 19, at page 30293.

DATE: Thursday, August 3, 1989, 1:30–4:30.

FOR FURTHER INFORMATION CONTACT: Barbara C. McQuown, Director, National Commission for Employment Policy, 1522 K Street, NW., Suite 300, Washington, DC 20005, (202) 724–1545.

Signed at Washington, DC, this 21st day of July.

Barbara C. McQuown,

Director, National Commission for Employment Policy.

[FR Doc. 89–17742 Filed 7–28–89; 8:45 am]

BILLING CODE 4510–22–M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under the Antarctic Conservation Act of 1978, Pub. L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by August 30, 1989. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357–7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. Additional information was published in the *Federal Register* on July 27, 1989.

The application received is as follows:

Applicant

J. Alan Campbell, P.O. Box 209, Athens, Georgia 30603.

Activity for Which Permit Requested

Taking. Entering protected areas. The applicant is an artist who will be observing, drawing, painting, photographing, and otherwise recording antarctic wildlife. He requests permission to enter selected protected areas. No physical handling of specimens is intended. The applicant will be in Antarctica in support of NSF's effort to make available to the public information on Antarctica and the U.S. Antarctic Program.

Location

Palmer Station and vicinity, Antarctica.

Dates

September 1989—November 1989.

Charles E. Myers,

Permit Office.

[FR Doc. 89–17734 Filed 7–28–89; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission is considering issuance of exemptions from the requirements of 10 CFR Part 50, Appendix R, to Commonwealth Edison Company (CECo, the licensee) for the Quad Cities Nuclear Power Station (Units 1 and 2) located in Rock Island County, Illinois.

Environmental Assessment

Identification of the Proposed Action

The proposed action would grant certain plant specific exemptions from the requirements for "Fire Protection of Safety Shutdown Capability" prescribed in Section III.G of Appendix R to 10 CFR Part 50. More specifically, CECo requested exemptions from: (1) Subsection III.G.1–fire protection features shall be provided to assure at least one train of equipment necessary for hot shutdown would be undamaged by fire, and systems necessary for cold shutdown could be repaired within 72 hours; (2) Subsection III.G.2.a–cables and equipment, and associated non-safety circuits, of redundant trains shall be separated by a 3-hour rated fire barrier; and (3) Subsection III.G.3–where provisions of subsection III.G.2 cannot be met, then alternative or dedicated shutdown capability shall be provided, including installation of a fire detection and fixed-fire suppression system.

The Need for the Proposed Action

Since it is not possible to predict all conditions or plant configurations under which a fire can occur and propagate, the Appendix R rule only prescribes general fire protective measures. As such, there will be instances where plant specific configurations or system features could safely allow for a different kind of protection from fire damage than specified in the rule (i.e., Section III.G).

For these situations, strict compliance may not be required to meet the underlying purpose of the rule. Whereupon for special circumstances identified in 10 CFR § 50.12, the licensee can be permitted to forego unnecessary plant modifications. For the particular instances in this proposed action, the licensee has demonstrated by detailed fire hazards analysis that existing protection and/or other proposed modifications will provide a level of safety for certain plant areas and zones which is equivalent to the technical requirements in subsections III.G.1, III.G.2, and III.G.3 of Appendix R.

Environmental Impact of the Proposed Action

The proposed exemptions are intended to provide a level of safety equivalent to the technical requirements of Section III.G of Appendix R. These exemptions will not change the types, or allow an increase in the amounts, of effluents that may be released offsite. Nor would they result in an increase in individual or cumulative occupational radiation exposure. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed exemptions.

With regard to potential nonradiological impacts, the proposed exemptions involve features located entirely within restricted areas as defined by 10 CFR Part 20. They do not affect nonradiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemptions.

Alternative Use of Resources

This action does not involve the use of resources which were not previously considered in the Final Environmental Statement (construction permit and operating license) for Quad Cities Nuclear Power Station, Units 1 and 2, dated September 1972.

Alternative to the Proposed Action

Since the Commission has concluded there are no measurable environmental impacts associated with the proposed exemptions, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the exemptions would be to require rigid compliance with the requirements of Section III.G in Appendix R of 10 CFR Part 50. Such action would not enhance the protection of the environment and would result in unwarranted licensee expenditures of engineering and construction resources, as well as associated capital costs.

Agencies and Person Consulted

The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemptions.

Based upon the aforementioned environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the licensee's letter requesting exemptions dated December 18, 1984, and as supplemented by letters dated December 4, 1985, June 25, 1986, July 22, 1986, January 12, 1978, September 30, 1987, October 1, 1987, November 20, 1987, November 23, 1987 and November 30, 1987. These letters are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555; and at the Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Dated at Bethesda, Maryland, this 24th day of July 1989.

For the Nuclear Regulatory Commission.

Paul C. Shemanski,

Acting Director, Project Directorate III–2, Division of Reactor Projects III, IV, V, and Special Projects.

[FR Doc. 89–17803 Filed 7–28–89; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–456 and 50–457]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating Licenses and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 20 to Facility Operating License Nos. NPF–72 and NPF–77 issued to Commonwealth Edison Company, which revised the Technical Specifications for operation of the Braidwood Station, Units 1 and 2, located in Will County, Illinois. The amendments were effective as of the date of their issuance.

The amendments authorize increasing the Braidwood spent fuel pool storage capacity from 1,060 to 2,870 storage locations.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1054, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the Federal Register on February 14, 1989 (54 FR 6787). No

request for a hearing or petition for leave to intervene was filed.

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an Environmental Assessment and Finding of No Significant Impact has been prepared. A Notice of Issuance of Environmental Assessment and Finding of No Significant Impact was published in the **Federal Register** on July 18, 1989 (54 FR 30120). Based on the Environmental Assessment, the Commission has determined that the issuance of the amendment will not result in any significant environmental impact.

For further details with respect to the actions see (1) the application for amendment dated January 3, 1989, supplemented January 24 and February 10, 1989, (2) Amendment No. 20 to License Nos. NPF–72 and NPF–77, and (3) the Commission's related Safety Evaluation and Environmental Assessment and Finding of No Significant Impact. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., and the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Dated at Rockville, Maryland this 20th day of July 1989.

For the Nuclear Regulatory Commission.

Paul C. Shemanski,

Acting Director, Project Directorate III–2, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 89–17804 Filed 7–28–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–373 and 50–374]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 68 to Facility Operating License No. NPF–11 and Amendment No. 50 to Facility Operating License No. NPF–18, issued to Commonwealth Edison Company, (the licensee), which revised the Technical Specifications for operation of the LaSalle County Station, Units 1 and 2, located in LaSalle County, Illinois. The amendments were effective as of the date of issuance.

The amendments eliminate the provisions of Section 4.0.2.b of the Technical Specifications applying to refuel outage interval surveillances. Elimination of this requirement will allow scheduling of refueling interval surveillances to correspond to actual scheduled refuel outages with no impact on safety.

These revisions to the licenses of LaSalle County Station, Units 1 and 2, are in response to the licensee's application for amendment dated December 4, 1987, supplemented March 10, 1989.

The application for the amendment complies with the standard and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this was published in the **Federal Register** on April 14, 1989 (54 FR 15040). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.32(d)(4) an environmental impact statement or negative declaration and environmental assessment and finding of no significant impact need not be prepared in connection with issuance of the amendment.

For further details with respect to the actions see (1) the application for amendment December 4, 1987, supplemented March 10, 1989, and Amendment No. 68 to License No. NPF–11, (2) Amendment No. 50 to License No. NPF–18, and (3) the Commission's related Safety Evaluation and Environmental Assessment and Finding of No Significant Impact. All of these items are available for public inspection at the Commission's Public Document Room, Gelman Building, 2120 L Street NW., Washington, DC, and the Public Library of Illinois Valley Community College, Rural Route No. 1, Ogleby, Illinois 61348. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Dated at Rockville, Maryland this day of July 19, 1989.

For the Nuclear Regulatory Commission.

Paul C. Shemanski,

Acting Director, Project Directorate III–2, Division of Reactor Projects III, IV, V, and Special Projects.

[FR Doc. 89–17805 Filed 7–28–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 114 to Facility Operating License No. DPR–28 issued to Vermont Yankee Nuclear Power Corporation, (the licensee), which revised the Technical Specifications for operation of the Vermont Yankee Nuclear Power Station located in Windham County, Vermont. The amendment was effective as of the date of issuance.

The amendment revised the Technical Specifications to eliminate the present requirements to test the remaining train(s) of the ECCS and SLC systems immediately and daily thereafter when one train has a component out of service.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this was published in the **Federal Register** on January 26, 1988 (53 FR 2114). A request for a hearing was received from the State of Vermont and the Commonwealth of Massachusetts. Subsequently, the two intervenors and the applicant filed a joint motion to dismiss the proceeding. The Atomic Safety and Licensing Board granted the motion to dismiss in an Order dated May 23, 1989.

The Commission has prepared an Environmental Assessment and Finding of No Significant Impact (54 FR 30619) related to the action and has concluded that an environmental impact statement is not warranted and that the issuance of this amendment will not have a significant adverse effect on the quality of the human environment.

For further details with respect to the actions see (1) the application for

amendment dated December 7, 1987, and clarified by letters dated July 15, 1988 and June 8, 1989, (2) Amendment No. 114 to License No. DPR–28, and (3) the Commission's related Safety Evaluation and Environmental Assessment.

All of these items are available for public inspection at the Commission's Public Document Room, Gelman Building, Lower Level, 2120 L Street NW., Washington, DC, and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects I/II.

Dated at Rockville, Maryland this 21st day of July 1989.

For the Nuclear Regulatory Commission

Morton B. Fairtile,

Project Manager, Project Directorate I–3, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89–17806 Filed 7–28–89; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Leesa Martin, (202) 632–0729.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on July 6, 1989 (54 FR 28525). Individual authorities established or revoked under Schedule A, B, or C between June 1, 1989, and June 31, 1989, appear in a listing below.

Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

The following exception was established:

Department of Commerce, National Oceanic and Atmospheric Administration

Field positions, GS–9 and below, in the Ocean and Atmospheric Administration's National Marine Fisheries Service conducting fish and processed fish products inspection, funded by the private sector. New appointments under this authority may not be made after July 1, 1990. Effective June 28, 1989.

Schedule B

The following exception was established:

National Endowment for the Humanities

One position of Humanities Administrator, GS–1701–12, Office of the Assistant Chairman for Programs. Effective June 28, 1989.

Schedule C

U.S. Arms Control and Disarmament Agency

One Secretary (Stenography) to the Director. Effective June 6, 1989.

One Secretary (Stenography) to the Deputy Director. Effective June 21, 1989.

U.S. Department of Agriculture

One Staff Assistant to the Assistant Secretary for Governmental and Public Affairs. Effective May 31, 1989. Note: This position should have appeared in the listing dated Wednesday, July 6, 1989; 54 FR 28527.

One Special Assistant to the Secretary. Effective June 19, 1989.

One Staff Assistant to the Secretary. Effective June 22, 1989.

One Confidential Assistant to the Administrator, Food Safety and Inspection Service. Effective June 22, 1989.

One Staff Assistant to the Administrator, Agricultural Stabilization and Conservation Service. Effective June 22, 1989.

One Confidential Assistant to the Special Assistant to the Secretary. Effective June 22, 1989.

One Confidential Assistant to the Associate Administrator, Foreign Agricultural Service. Effective June 25, 1989.

One Confidential Assistant to the Assistant Secretary for Congressional Relations. Effective June 29, 1989.

One Staff Assistant to the Administrator, Foreign Agricultural Service. Effective June 29, 1989.

One Confidential Assistant to the Administrator, Foreign Agricultural Service. Effective June 29, 1989.

One Confidential Assistant to the Assistant Secretary for Marketing and Inspection Services. Effective June 29, 1989.

One Special Assistant to the Administrator, Office of Transportation. Effective June 29, 1989.

One Confidential Assistant to the Assistant Secretary for Science and Education. Effective June 29, 1989.

Department of Commerce

One Confidential Assistant to the Deputy Under Secretary. Effective June 5, 1989.

One Director, Congressional Affairs Staff, to the Under Secretary for the Bureau of Export Administration. Effective June 6, 1989.

One Chief of Congressional Affairs to the Director, Minority Business Development Agency. Effective June 5, 1989.

One Special Assistant to the Deputy Assistant Secretary for Congressional Affairs. Effective June 5, 1989.

One Director of Public Affairs to the Under Secretary for Travel and Tourism. Effective June 8, 1989.

One Confidential Assistant to the Deputy Assistant Secretary for International Economic Policy. Effective June 9, 1989.

One Confidential Assistant to the Deputy Under Secretary. Effective June 9, 1989.

One Deputy to the Chief of Staff. Effective June 9, 1989.

One Special Assistant to the Deputy Secretary. Effective June 9, 1989.

One Confidential Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs. Effective June 9, 1989.

One Director, Office of Public Affairs, to the Under Secretary for International Trade. Effective June 12, 1989.

One Confidential Assistant to the Deputy Assistant Secretary for International Economic Policy. Effective June 19, 1989.

One Special Assistant to the Director General, U.S. and Foreign Commercial Services. Effective June 14, 1989.

One Congressional Liaison Assistant to the Director of Congressional Affairs. Effective June 19, 1989.

One Chauffeur to the Secretary. Effective June 21, 1989.

One Confidential Assistant to the Deputy Assistant Secretary for Africa, Near East, and South Asia, International Trade Administration. Effective June 21, 1989.

One Private Secretary to the Deputy Under Secretary for International Trade. Effective June 22, 1989.

One Confidential Assistant to the Chief of Staff. Effective June 22, 1989.

One Special Assistant to the Assistant Secretary for Export Administration. Effective June 27, 1989.

One Deputy to the Director, Office of Public Affairs. Effective June 27, 1989.

One Special Assistant to the Deputy Director, Office of Congressional Affairs. Effective June 27, 1989.

One Confidential Assistant to the Deputy Under Secretary for International Trade. Effective June 27, 1989.

One Confidential Assistant to the Deputy Assistant Secretary for Trade Information and Analysis. Effective June 29, 1989.

One Confidential Assistant to the Assistant Secretary, National Oceanic and Atmospheric Administration. Effective June 29, 1989.

One Confidential Assistant to the Deputy Assistant Secretary for Trade Development. Effective June 30, 1989.

One Confidential Assistant to the Deputy Assistant Secretary for Congressional Affairs. Effective June 30, 1989.

One Executive Assistant to the Assistant Secretary for Trade Development. Effective June 30, 1989.

One Congressional Affairs Specialist to the Director, Office of Legislative Affairs. Effective June 30, 1989.

One Special Assistant to the Director, Office of Public Affairs. Effective June 30, 1989.

Department of Defense

One Staff Assistant (Stenography) to the Assistant to the Vice President for National Security Affairs. Effective June 12, 1989.

One Personal and Confidential Assistant to the Ambassador to NATO. Effective June 29, 1989.

Department of Energy

One Staff Assistant to the General Counsel. Effective June 1, 1989.

One Staff Assistant to the Deputy General Counsel for Environment, Conservation and Legislation. Effective June 1, 1989.

One Staff Assistant to the Director, Office of Minority Economic Impact. Effective June 2, 1989.

One Speechwriter to the Deputy Assistant Secretary for External Affairs. Effective June 6, 1989.

One Staff Assistant to the Assistant Secretary for Nuclear Energy. Effective June 6, 1989.

One Staff Assistant to the Assistant Secretary, Management and Administration. Effective June 6, 1989.

One Staff Assistant to the Deputy Assistant Secretary for Energy Emergencies. Effective June 6, 1989.

One Director, Division of Congressional Affairs, to the Director, Office of External Affairs. Effective June 6, 1989.

One Staff Assistant to the Deputy Assistant Secretary for External Affairs. Effective June 6, 1989.

One Staff Assistant to the Chief of Staff to the Secretary. Effective June 19, 1989.

One Staff Assistant to the Assistant Secretary for Fossil Energy. Effective June 19, 1989.

Two Staff Assistants to the Assistant Secretary for Fossil Energy. Effective June 19, 1989.

One Staff Assistant to the General Counsel. Effective June 19, 1989.

One Staff Assistant to the General Counsel. Effective June 21, 1989.

One Special Assistant to the Chief of Staff to the Secretary. Effective June 29, 1989.

Department of Transportation

One Director, Office of Media Relations and Special Projects, to the Assistant Secretary for Public Affairs. Effective June 8, 1989.

One Deputy to the Director, Office of Congressional Affairs. Effective June 27, 1989.

Two Congressional Liaison Officers to the Director, Office of Congressional Affairs. Effective June 30, 1989.

Department of Education

One Special Assistant to the Deputy Under Secretary for Management. Effective June 2, 1989.

One Director, Recognition Division, to the Director, Programs for the Improvement of Practice. Effective June 12, 1989.

One Special Assistant to the Under Secretary. Effective June 19, 1989.

One Confidential Assistant to the Deputy Assistant for Higher Education Programs. Effective June 22, 1989.

One Special Assistant to the Director, Interagency Operations Staff. Effective June 22, 1989.

One Confidential Assistant to the Deputy Under Secretary for Management. Effective June 27, 1989.

One Staff Assistant to the Deputy Under Secretary for Management. Effective June 27, 1989.

One Special Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs. Effective June 27, 1989.

One Special Assistant to the Deputy Under Secretary for Management. Effective June 27, 1989.

One Special Assistant to the Assistant Secretary for Elementary and Secondary Education. Effective June 27, 1989.

One Confidential Assistant to the Assistant Secretary for Elementary and Secondary Education. Effective June 27, 1989.

One Confidential Assistant to the Assistant Secretary for Educational Research and Improvement. Effective June 29, 1989.

Equal Employment Opportunity Commission

One Special Assistant to the Chairman. Effective June 22, 1989.

Environmental Protection Agency

One Special Assistant to the Administrator. Effective June 30, 1989.

Department of Health and Human Services

One Special Assistant to the Director, Office of Family Assistance. Effective June 19, 1989.

One Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislation. (Congressional Liaison). Effective June 19, 1989.

One Executive Assistant to the Director, Office of Child Support Enforcement. Effective June 19, 1989.

One Confidential Assistant to the Administrator, Health Care Financing Administration. Effective June 20, 1989.

One Special Assistant to the Assistant Secretary for Public and Indian Housing. Effective June 21, 1989.

One Director, Scheduling, Securing and Protection, to the Secretary. Effective June 22, 1989.

One Special Assistant to the Under Secretary. Effective June 28, 1989.

Department of Housing and Urban Development

One Staff Assistant to the Deputy Assistant for Public and Indian Housing. Effective June 2, 1989.

One Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations. Effective June 6, 1989.

One Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations. Effective June 12, 1989.

One Intergovernmental Relations Office, to the Deputy Under Secretary for Intergovernmental Relations. Effective June 14, 1989.

One Special Assistant to the Regional Administrator-Regional Housing Commissioner. Effective June 19, 1989.

One Special Assistant to the Assistant Secretary for Public and Indian Housing. Effective June 19, 1989.

One Special Assistant to the Assistant Secretary for Policy Development and Research. Effective June 19, 1989.

One Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations. Effective June 19, 1989.

Department of Interior

One Special Assistant to the Director, Bureau of Land Management. Effective June 2, 1989.

One Special Assistant for Control and Correspondence to the Special Assistant for Policy and Programs. Effective June 12, 1989.

One Confidential Assistant to the Assistant Secretary for Policy, Budget and Administration. Effective June 29, 1989.

Department of Justice

One Special Assistant to the Director, Community Relations Service. Effective June 2, 1989.

One Deputy to the Director, Office of Public Affairs. Effective June 2, 1989.

Department of Labor

Two Special Assistants to the Assistant Secretary for Employment and Training. Effective June 12, 1989.

One Staff Assistant to the Assistant Secretary for Public and Intergovernmental Affairs. Effective June 14, 1989.

One Staff Assistant to the Assistant Secretary for Public and Intergovernmental Affairs. Effective June 21, 1989.

One Special Assistant to the Assistant Secretary for Employment and Training. Effective June 21, 1989.

One Staff Assistant to the Deputy Under Secretary for International Affairs. Effective June 29, 1989.

Office of Management and Budget

One Confidential Secretary to the Deputy Director. Effective June 12, 1989.

One Confidential Secretary to the Deputy Director. Effective June 12, 1989.

President's Commission on Executive Exchange

One Associate Director for Education to the Executive Director. Effective June 9, 1989.

Department of State

One Special Assistant to the Head of the U.S. Delegation to Geneva for Arms Reduction Negotiations. Effective June 2, 1989.

One Special Assistant to the Assistant Secretary, International Organization Affairs. Effective June 27, 1989.

One Secretary (Typing) to the Assistant Secretary for Legislative Affairs. Effective June 27, 1989.

One Coordinator, Intergovernmental Affairs, to the Deputy Assistant Secretary for Public Diplomacy. Effective June 29, 1989.

Department of the Treasury

One Public Affairs Specialist to the Associate Commissioner for Congressional Affairs. Effective June 19, 1989.

One Special Assistant to the Under Secretary (Finance). Effective June 19, 1989.

One Staff Assistant to the Director, United States Mint. Effective June 29, 1989.

United States Information Agency

One Program Officer to the Supervisory Public Affairs Specialist. Effective June 8, 1989.

One Special Assistant to the Director of Private Sector Committees. Effective June 8, 1989.

Office of the United States Trade Representative

One Confidential Secretary to the U.S. Trade Representative. Effective June 12, 1989.

One Congressional Affairs Officer to the Assistant U.S. Trade Representative for Congressional Affairs. Effective June 27, 1989.

Authority: 5 U.S.C. 3301, 3303; E.O. 10555, 3 CFR 1954–1958 Comp., P. 218.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 89–17763 Filed 7–28–89; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[34–27052 DTC–89–1]

Self-Regulatory Organizations; Depository Trust Company; Order Granting Temporary Approval of a Proposed Rule Change

July 21, 1989.

On January 18, 1989, the Depository Trust Company ("DTC") filed a proposed rule change (File No. SR–DTC–89–1) with the Commission pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] The proposed rule change would institute a new Rush Withdrawal Transfer ("RWT") service for corporate issues settling in next-day funds that are not full Fast Automated Securities Transfer ("FAST") issues.[2] On April 24, 1989, the Commission published notice of this proposed rule change in the **Federal Register** to solicit comments from interested persons.[3] On May 9, 1989, DTC amended the proposed rule change to incorporate DTC's procedures for the RWT service.[4] No comments were received. This order approves the proposal on a pilot basis through December 30, 1989.

I. Description

DTC proposes to replace its urgent Certificate on Demand ("COD") withdrawal service [5] for corporate securities issues settling in next-day funds that are ineligible for DTC's Fast Automated Securities Transfer ("FAST") program with RWT. Under RWT, DTC will endeavor to make available to participants requesting this service, certificates registered in the participant's name (or another name as directed by the participant), on a next-day basis. Currently, DTC fills urgent COD withdrawal requests by delivering certificates on a next-day basis, registered in DTC's nominee name endorsed to the participant.

DTC has made special arrangements with transfer agents to process ownership transfers under RWT on an expedited basis. Thus, DTC expects RWT transfer agents located in New York City to turnaround certificates within one day and transfer agents located outside of New York City to turnaround certificates within two days.

DTC plans to implement the new RWT service on a pilot basis for at least three months with fifteen New York City transfer agents and fifty transfer agents located outside New York City. DTC will continue to fill COD requests from participants for issues not included in

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[1] 15 U.S.C. 78(b)(1) 1981.

[2] DTC's FAST program allows DTC to leave securities with transfer agents in the form of balance certificates registered in the depository's nominee name, Cede & Co. The balance certificates are adjusted daily according to DTC's deposit and withdrawal activity. A "full" FAST issue transfer agent agrees to fill requests for urgent withdrawals through Withdrawals-by-Transfer, which is the manner in which certificates are routinely transferred into the name of a participant, from the DTC's nominee name, Cede and Co.

[3] Securities Exchange Act Release No. 26730 (April 14, 1989), 54 FR 16438–F (April 24, 1989).

[4] DTC also provided the Commission with additional information concerning DTC's proposal and requested that this proposal be implemented on a pilot basis. *See* letter to Ester Saverson, Jr., Branch Chief, Division of Market Regulation, Commission, from Patricia H. Trainor, Associate Counsel, The Depository Trust Company, dated May 31, 1989.

[5] An urgent COD withdrawal is a request for immediate delivery of physical certificates. DTC fulfills such requests by removing certificates (registered in DTC's nominee name or, if applicable, in bearer form) from its vault and endorsing them over to the requesting participant. DTC will attempt to satisfy a COD request only if it has sufficient vault inventory. Securities Exchange Act Release No. 26883 (June 1, 1989), 54 FR 24615 (June 8, 1989).

the pilot program with certificates from DTC's vault.[6]

II. DTC's Rationale

DTC believes the rule change is consistent with the requirements of the Act because it will reduce the risk associated with handling physical certificates and the costs of storing large numbers of corporate certificates in an assortment of round-lot quantities to match participants' most likely requirements for CODs. It will eliminate a costly urgent withdrawal structure and staffing that is no longer needed on a routine basis, reduce risks associated with that structure, and will cease to mutualize a cost that is better addressed and priced as exception processing. In addition, DTC believes that the one-step transfer process offered by RWT is more efficient than the existing two-step procedure in which DTC endorses the certificate over to its participant, and then that participant, or the person that ultimately receives the certificate, must send it to the transfer agent to transfer it into its name.

DTC believes that there is little or no need for a sameday or expedited certificate withdrawal service for corporate securities because the rules of the New York Stock Exchange ("NYSE"), the National Association of Securities Dealers ("NASD"), and other self-regulatory organizations (such as the Municipal Securities Rule Board, "MSRB") require that all delivery against payment settlements in depository-eligible corporate securities occur by book-entry at securities depositories.[7] For other kinds of settlement, and for purposes other than settlement, where participants may need to deliver physical certificates, DTC believes RWT usually will be sufficient to accommodate the need of its participants.

III. Discussion

The Commission preliminarily believes that the proposal is consistent with Section 17A of the Act because it will promote the safeguarding of securities in DTC's custody or control or for which it is responsible. However, the Commission is concerned that the implementation of RWT not disrupt the prompt and accurate clearance and settlement of securities, and therefore, believes that DTC's approach to implement this new service on a pilot basis is appropriate.

DTC plans to monitor the certificate turnaround performance of all transfer agents participating in the RWT pilot programs.[8] DTC will compile transfer agent turnaround statistics on a bi-weekly basis, will solicit comments from transfer agents participating in the RWT service about all aspects of the service, and will report this information to the Commission.

DTC will evaluate the statistics and other information it collects concerning transfer agent performance throughout the pilot period and will use this information to determine the overall performance of the RWT service and transfer agents' individual performance. DTC will continue to provide COD service in issues served by transfer agents that fail to meet RWT turnaround standards until their performance meets RWT turnaround standards. As with CODs, DTC will not guarantee that every RWT request can be filled within the projected time frame. DTC anticipates that RWT turnaround will be at least as fast as current turnaround for denomination split-ups, and that RWT may be even faster because of the incentive provided to the transfer agent by the opportunity to earn a rush transfer fee.[9] The Commission hopes the pilot program will facilitate next-day withdrawals and provide further data in order to assess the extent to which certificates are still needed to enable broker-dealers to settle trades without incurring overnight financing costs.

IV. Conclusion

For the reasons discussed above, the Commission finds that the proposed rule change is consistent with the Act and, in particular, Section 17A.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–DTC–89–1) be, and hereby is, approved until December 30, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–17758 Filed 7–28–89; 8:45 am]

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[6] After the pilot program has ended DTC plans to continue to offer the COD service on a limited basis until it has exhausted its vault inventory.

[7] *See* NYSE Rule 387 (a)(5), NASD 64 (a)(5), and MSRB Rule G–12 (f) and G–15 (d) (iii).

[8] DTC expects to receive approximately 100 RWT requests for day.

[9] DTC's fee for processing each RWT request will be $22.50, plus a pass-through of any rush transfer fees the transfer agent charges DTC. If DTC fills an urgent request with a certificate registered in the name of DTC's nominee from its vault inventory, the fee will be the usual corporate COD fee of $10.25. *See* Securities Exchange Act Release No. 26960 (June 23, 1989), 54 FR 28135 (July 5, 1989).

[34–27053 DTC–89–12]

Self Regulatory Organizations; The Depository Trust Company; Proposed Rule Change Regarding Revision of Existing Rules

July 21, 1989.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), notice is hereby given that on July 3, 1989 the Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described below. The proposal would make certain technical corrections to DTC's rules. The Commission is publishing this notice to solicit comment.

I. Description of Proposal

DTC proposes to make minor revisions to some of its rules. DTC states that its proposal would eliminate obsolete references and clarify the meaning of certain provisions contained in its rules. The proposal contains one substantive change to DTC's Rule 6, to eliminate the requirement that securities eligible for DTC services must be processed by a transfer agent located in the United States.

II. DTC's Rationale for the Proposal

DTC states that it has adopted the proposal pursuant to Section 17A(b)(3) of the Act. section 17A(b)(3) provides, among other things, that no clearing agency shall be registered unless the Commission determines that the rules of the clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. DTC believes that its proposed rule change will have such an effect.

III. Request for Comments

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will by order approve such proposed change or institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons can submit written comments about the proposal by filing six copies of their comments with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the filing, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of the filing also will be available for inspection and copying at DTC's principal office.

All comments should refer to the file number SR–DTC–89–12 and should be submitted by August 21, 1989.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–17759 Filed 7–28–89; 8:45 am]

BILLING CODE 8010–01–M

[File No. 500–1]

Lifeline Healthcare Group, Ltd.; Order of Suspension of Trading

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Lifeline Healthcare Group, Ltd., a Delaware corporation with executive offices located at 1913 W. Tacoma, Suite C, Broken Arrow, Oklahoma 74012, and that questions have been raised about recent market activity in the securities of the company and the adequacy and accuracy of publicly disseminated information concerning, among other things, the valuation of the company's assets, the results of its business operations, recent acquisitions announced by the company, the identity of certain owners of five percent or more of the company's common stock, and the nature and terms of the distribution of a stock dividend authorized by the company on April 8, 1989. The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of Lifeline Healthcare Group, Ltd.

Therefore, it is ordered, Pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of Lifeline Healthcare Group, Ltd., over-the-counter or otherwise, is suspended for the period from 9:30 a.m. (e.d.t.) on July 26, 1989, through 11:59 p.m. (e.d.t.) on August 4, 1989.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–17807 Filed 7–28–89; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–17079; 812–7246]

Ryan Mortgage Acceptance Corporation V; Application

July 24, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the investment Company Act of 1940 ("1940 Act").

Applicant: Ryan Mortgage Acceptance Corporation V (the "Issuer" or "Applicant").

Relevant 1940 Act Section: Exemption requested under section 6(c) from all provisions of the 1940 Act.

Summary of Application: Applicant seeks an order to exempt it from all provisions of the 1940 Act in connection with the issuance and sale of collateralized mortgage obligations and the sale of certain residual interests.

Filing Date: The application was filed on February 17, 1989, and was amended on May 16, 1989, June 13, 1989 and July 21, 1989.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 18, 1989, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 111 Ryan Court, Pittsburgh, PA 15205.

FOR FURTHER INFORMATION CONTACT: Jeremy N. Rubenstein, Staff Attorney, at (202) 272–2847, or Stephanie M. Monaco, Branch Chief, at (202) 272–3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee by either going to the SEC's Public Reference Branch or contacting the SEC's commercial copier at (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. Applicant is a wholly-owned limited purpose finance subsidiary of NVR Mortgage L.P., which is, in turn, an indirect wholly-owned mortgage banking subsidiary of NVRyan L.P. Applicant was organized to issue series of mortgage collateralized bonds ("Bonds") to facilitate the financing of long-term residential mortgages.

2. Each series of Bonds will be issued under the terms of an indenture (the "Indenture") between Applicant and a trustee (the "Trustee"), as supplemented by one or more series supplements. Each Indenture will be qualified under the Trust Indenture Act of 1939, as amended, unless an appropriate exemption is available.

3. Applicant may sell its right to receive funds released from the lien of the Indenture not required to pay principal and interest on the Bonds ("Residual Interests") to certain institutional and non-institutional investors, as described more fully under "Applicant's Conditions."

4. The mortgage-related collateral ("Mortgage-Related Collateral") securing the Bonds will be limited to (i) fully modified pass-through mortgage certificates or graduated payment mortgage-backed securities as to which the Government National Mortgage Association ("GNMA") guarantees the timely payment of principal and interest ("GNMA Certificates"), (ii) guaranteed mortgage pass-through certificates ("FNMA Certificates") issued by the Federal National Mortgage Association ("FNMA"), (iii) mortgage participation certificates, (iv) whole mortgage loans secured by first liens on single (one to four) family residential properties ("Mortgage Loans") or (v) other mortgage related securities secured by Mortgage Loans ("Non-Agency Certificates"). Mortgage Certificates, Mortgage Loans and Non-Agency Certificates are referred to as "Mortgage-Related Collateral."

5. No party will be able to impair the security afforded by the Mortgage-

Related Collateral, reserve funds, accounts or other collateral securing a series of Bonds (the "Bond Collateral") because, without the consent of each affected bondholder, no party will be able to: (a) Change the stated maturity on any Bond; (b) reduce the principal or rate of interest (or the manner of determining the rate of interest on floating-rate Bonds) on any Bond; (c) change the priority of repayment on any class of any series of Bonds; (d) impair or adversely affect the Bond Collateral securing a series of Bonds; (e) permit the creation of a lien ranking prior to or on parity with the lien of the related Indenture with respect to the Bond Collateral; or (f) otherwise deprive the bondholders of the security afforded by the lien of the related Indenture.

6. The interests of the bondholders will not be compromised or impaired by the sale of Residual Interests. The sale of Residual Interests will not alter the payment of cash flows under the Indenture, including the amounts to be deposited in the collection account or any reserve fund created under the Indenture to support the payment of principal and interest on the Bonds.

7. Except to the extent permitted by the limited right to substitute Mortgage-Related Collateral described in paragraph 3 under "Applicant's Conditions," it will not be possible for holders of the Residual Interests for a series of Bonds to alter the Bond Collateral securing such series and in no event will such right to substitute Mortgage-Related Collateral result in a diminution in the value or quality of such collateral.

8. Limited purpose financing entities affiliated with homebuilders, thrifts, commercial banks, mortgage bankers and other entities engaged in mortgage finance but not affiliated with the Issuer (each a "Participant") may enter into funding agreements with the Issuer ("Funding Agreements"). In such event, Mortgage-Related Collateral owned by a Participant ("Pledged Mortgage-Related Collateral") will be pledged to the Issuer as security for a loan from the Issuer to the Participant of all or a portion of the proceeds from the sale of a series of Bonds. The indebtedness created by each Funding Agreement will be evidenced by one or more promissory notes ("Notes"). The Issuer will assign its entire right, title and interest in the Funding Agreements (other than the Issuer's right to receive fees, to indemnification and to reimbursement as provided for in such Notes and Pledged Mortgage-Related Collateral) to the Trustee as security for such series of Bonds. Each Participant will be obligated to repay the indebtedness evidenced by the Notes by causing payments on the Pledged Mortgage-Related Collateral securing such Notes to be made directly to the Trustee in amounts sufficient to pay such Participant's share of principal and interest on the Bonds, together with certain administrative expenses of the Issuer. The Pledged Mortgage-Related Collateral pledged by a Participant under any Funding Agreement will only secure the Participant's Note or Notes with respect to a single series of Bonds, and will not secure the Notes of any other Participant. Each Participant will not engage in any activity other than those directly related to the Funding Agreements and Notes, and will have no other significant assets other than the Pledged Mortgage-Related Collateral securing its Notes. Each Participant will be organized and operated in accordance with rating agency guidelines to make such Participant "bankruptcy remote."

9. In the case of each series of Bonds: (a) The Issuer will hold no substantial assets other than the Bond Collateral securing such Bonds; (b) the Mortgage-Related Collateral securing such series will have a collateral value determined under the Indenture, at the time of issuance and following each payment date, equal to or greater than the outstanding principal balance of the Bonds; (c) distributions of principal and interest received on the Mortgage-Related Collateral securing the Bonds (together with cash available to be withdrawn from any reserve funds), plus reinvestment income thereon, will be sufficient to make timely payments of principal of and interest on the Bonds and to retire each class of Bonds by its stated maturity; and (d) the Bond Collateral will be assigned to the Trustee and will be subject to the lien of the related Indenture.

10. The Issuer has registered an aggregate of $600,000,000 of Bonds under the Securities Act of 1933, as amended (the "Securities Act") pursuant to Registration Statements on Form S–11 (No. 33–21535 and 33–7192). The Issuer may elect to treat the collateral securing a series of Bonds as a REMIC.

Applicant's Conditions

Applicant agrees that, if the order requested by the application is granted, such order will be expressly conditioned on the following:

1. Each series of Bonds will be registered under the Securities Act, unless such Bonds are offered in a transaction that is exempt from registration pursuant to section 4(2) of the Securities Act.

2. The Bonds will be "mortgage-related securities" within the meaning of section 3(a)(41) of the Securities Exchange Act of 1934. Some or all of the Mortgage-Related Collateral securing a series of Bonds may be Pledged Mortgage-Related Collateral. In addition to Mortgage-Related Collateral, a series of Bonds may also be secured by cash, eligible investments satisfactory to the rating agency rating such series, or letters of credit held in reserve funds intended to compensate for certain interest shortfalls satisfactory to the rating agency rating such series. All Mortgage-Related Collateral will consist only of GNMA Certificates, FNMA Certificates, FHLMC Certificates, Non-Agency Certificates or Mortgage Loans. All Non-Agency Certificates will be pass-through certificates or participation certificates that are neither issued nor guaranteed by an agency or instrumentality of the United States and that evidence the entire undivided interest in a pool of Mortgage Loans.

3. The Issuer will have a right to substitute other Mortgage-Related Collateral for the initial Mortgage-Related Collateral securing a series of Bonds only if the substituted Mortgage-Related Collateral: (i) Is of equal or better quality than the Mortgage-Related Collateral replaced; (ii) has payment terms and cash flows similar to those of the Mortgage-Related Collateral for which substitution is made; (iii) is insured or guaranteed at least to the same extent as the Mortgage-Related Collateral for which substitution is made; and (iv) meets the conditions set forth in paragraphs 2, 4 and 6 under "Applicant's Conditions." Substitution for Mortgage Loans (including, for the purposes of this paragraph, any Mortgage Loan underlying any Note or Non-Agency Certificate pledged as Mortgage-Related Collateral) is further limited as follows: Mortgage Certificates may be substituted for Mortgage Loans, but new Mortgage-Related Collateral may be substituted for Mortgage Loans initially pledged as Mortgage Related Collateral only in the event of default, late payments or other defects with respect to the Mortgage Loans for which substitution is made. In addition, new Mortgage-Related Collateral may not be substituted for more than 20% of the aggregate face amount of the Mortgage Loans initially pledged as Mortgage-Related Collateral or for more than 40% of the aggregate face amount of the Mortgage Certificates initially pledged as collateral. In no event may any new Mortgage-Related Collateral be substituted for substitute Mortgage-Related Collateral. Notes may be substituted for the initial Notes securing a series of Bonds only if the substitution of the Pledged Mortgage-Related

Collateral securing such Notes would be permitted under the conditions (including the conditions as to the aggregate amount of Mortgage-Related Collateral for which substitution may be made) set forth in this paragraph.

4. All Bond Collateral securing a series of Bonds will be held by the Trustee under the related Indenture or on behalf of the Trustee by an independent custodian. Neither the custodian nor the Trustee may be an affiliate (as the term "affiliate" is defined in Rule 405 under the Securities Act) of the Issuer or any holder of a controlling interest in the Issuer (as the term "control" is defined in Rule 405 under the Securities Act). The Trustee will be granted a first priority perfected security or lien interest in and to all Bond Collateral directly or indirectly securing each series of Bonds.

5. Each series of Bonds will be rated in one of the two highest bond rating categories by at least one nationally recognized statistical rating organization that is not affiliated with the Issuer. The Bonds will not be "redeemable securities" within the meaning of section 2(a)(32) of the Act.

6. The master servicer of Mortgage Loans pledged to secure a series of Bonds (including, for the purposes of this paragraph, any Mortgage Loan underlying any Note or Non-Agency Certificate pledged as Mortgage-Related Collateral) will not be an affiliate of the Trustee, the custodian, the Issuer or any holder of a controlling interest in the Issuer (as the term "control" is defined in Rule 405 under the Securities Act). If there is no master servicer for Mortgage Loans pledged to secure a series of Bonds, no servicer of those Mortgage Loans will be an affiliate of the Trustee, the custodian, the Issuer or any holder of a controlling interest in the Issuer. In addition, any master servicer and servicer of a Mortgage Loan will be approved by FNMA or FHLMC as an "eligible seller/servicer" of conventional, residential mortgage loans. The agreement governing the servicing of Mortgage Loans will obligate the servicer to provide substantially the same services with respect to the Mortgage Loans as it is then currently required to provide in connection with the servicing of mortgage loans insured by the Federal Housing Administration, guaranteed by the Veterans' Administration or eligible for purchase by FNMA or FHLMC.

7. At least annually, a firm of independent certified public accountants will audit the books and records of the Issuer and will report on whether the anticipated payments of principal and interest on the Mortgage-Related Collateral continue to be adequate to pay the principal of and interest on the Bonds in accordance with their terms. Upon completion, copies of the report(s) of such accountants will be provided to the Trustee.

8. The Mortgage-Related Collateral will be paid down as Mortgage Loans or the mortgages underlying other types of Mortgage-Related Collateral are repaid, but, subject to the Issuer's limited right to substitute collateral as set forth in paragraph 3 under "Applicant's Conditions," no Mortgage-Related Collateral directly or indirectly securing a series of Bonds may be released from the lien of the Indenture prior to retirement in full of all Bonds of such series. In addition, except for the sale or assignment of Bonds or Residual Interests or to the extent permitted by the Issuer's limited right to substitute Mortgage-Related Collateral, beneficial and legal ownership of all Mortgage-Related Collateral deposited with the Trustee will not be transferred until such time as the Trustee releases such Mortgage-Related Collateral from the Indenture.

9. The Issuer will not pledge Bond Collateral to secure any series of Bonds with a collateral value which exceeds 120% of the aggregate principal amount of such Bonds.

10. Each class of floating-rate Bonds will have a set maximum interest rate (an interest rate cap) and may or may not have a minimum interest rate (with respect to floating-rate Bonds which vary inversely with an index). The maximum and minimum interest rates may vary from period to period, and will always be specified in the related prospectus or series supplement.

11. At the time of the pledge and assignment of the Bond Collateral to the Trustee, as well as during the life of the Bonds of such series, the scheduled payments of principal and interest to be received by the Trustee on the Bond Collateral will be sufficient to provide for the full and timely payment of all principal and interest on the Bonds of such series then outstanding, even if the interest rates on variable rate Bonds are the maximum applicable interest rates for each specified period.

12. The Bond Collateral for each series of Bonds will be reviewed independently by the nationally recognized statistical rating agency rating the Bonds (as well as by a firm of independent certified public accountants) in order to insure that the collateral is sufficient in light of the rating requested to meet all required payments as stated above.

13. The Residual Interest relating to a series of Bonds will be offered and sold to no more than 100 investors who are either (i) institutional investors or (ii) "accredited investors," as such term is defined in Rule 501(a) promulgated under the Securities Act, other than institutional investors ("Accredited Investors"). The Issuer will sell or assign its Residual Interests relating to any series of Bonds only if the Mortgage-Related Collateral pledged to secure such series is limited to GNMA Certificates, FNMA Certificates, or FHLMC Certificates or Funding Agreements secured by GNMA Certificates, FNMA Certificates, or FHLMC Certificates. Institutional investors will have knowledge and experience in financial and business matters sufficient to enable them to evaluate the risks of purchasing a Residual Interest and to understand the volatility of interest rate fluctuations as they affect the value of mortgages, mortgage-related securities and the Residual Interest therein. Accredited Investors that purchase a Residual Interest relating to a series of Bonds will be limited to no more than 15, and each such Accredited Investor (i) will purchase, at a minimum, $200,000 of such Residual Interest (measured by market value at the time of purchase) and (ii) will have a net worth at the time of purchase in excess of $1,000,000 (exclusive of primary residence). Further, Accredited Investors will (i) have knowledge and experience in financial and business matters, specifically in the field of mortgage-related securities, sufficient to enable them to evaluate the risk of purchasing a Residual Interest, (ii) have direct, personal and significant experience in investments in mortgage-related securities and (iii) as a result of such knowledge and experience, understand the volatility of interest rate fluctuations as they affect the value of mortgage-related securities and Residual Interests therein. Residual Interest holders may include mortgage lenders, thrift institutions, commercial and investment banks, savings and loan associations, pension funds, employee benefit plans, insurance companies, mutual funds (any investment company will be required to satisfy itself that the purchase of a Residual Interest will comply with section 12(d)(1) of the Act), real estate investment trusts, master limited partnerships and/or other institutional or non-institutional investors as described above (institutional investors and Accredited Investors are collectively referred to herein as "Eligible Purchasers").

14. Any conveyance of a Residual Interest to an Eligible Purchaser will

qualify as a transaction not involving a public offering within the meaning of section 4(2) of the Securities Act.

15. Holders of the Residual Interest relating to a series of Bonds will be required to represent that they are purchasing such Residual Interest for investment purposes and that they will hold such Residual Interest in their own name and not as nominee for undisclosed investors. As a condition to selling all or a portion of the Residual Interest from a series of Bonds, each purchaser will be required to agree that it will not resell such interest unless (i) the subsequent purchaser is an Eligible Purchaser; (ii) after the sale there would be no more than 100 holders of such Residual Interest, and (iii) the subsequent purchaser agrees to be subject to the same representations and undertakings as are applicable to the reselling purchaser. In addition, the Indenture will prohibit the transfer of any Residual Interest if there would be more than 100 holders of the Residual Interest with respect to such series of Bonds at any time.

16. No holder of a controlling interest in any series of Bonds (as the term "control" is defined in Rule 405 under the Securities Act) will be affiliated with either the custodian or the rating agency rating the Bonds.

17. A Residual Interest holder will not be an affiliate (as the term affiliate is defined in Rule 405 under the Securities Act) of the Trustee, the custodian or any rating agency rating the related series of Bonds.

18. Any election by the Issuer to treat the arrangement by which any series of Bonds is issued as a REMIC will not increase the level of expenses incurred by the REMIC. If the Issuer elects to treat the arrangement by which a series of Bonds is issued as a REMIC, the Issuer will provide for the payment of administrative fees and expenses incurred in connection with the issuance and administration of the Bonds, in a manner satisfactory to each rating agency rating the Bonds, by one or more of the following methods:

(i) A third party, whose credit is acceptable to the agency rating the Bonds and the Trustee, will guarantee the payment of such fees and expenses;

(ii) One or more reserve funds will be established to provide for the payment of fees and expenses. In establishing such fund or funds, maximum fees typically will be projected, assuming current inflation projections required by the rating agency at the time of the issuance of the Bonds and the establishment of such reserve funds. Thereafter, the Trustee will look solely to such reserve funds for the payment of fees and expenses. The procedure used to calculate the anticipated level of fees and expenses will be reasonable and will have been successfully used in the past by other issuers to calculate the amount of available funds sufficient to pay administrative fees and expenses and to ensure that such funds will be adequate to cover future administrative fees and expenses;

(iii) The Bonds will be secured by Mortgage-Related Collateral, the value of which is in excess of the amount necessary to make payments of principal and interest on the Bonds. Such excess or a portion thereof will be applied to the payment of administrative fees and expenses; and

(iv) The owners of the beneficial or residual interests of each series of Bonds will be personally liable pursuant to the provisions of the Indenture for the fees and expenses of the Issuer with respect to such series not otherwise payable from one of the sources described above.

The anticipated level of fees and expenses will be more than adequately provided for regardless of which of the methods described above (which methods may be used in combination) is selected by the Issuer to provide for the payment of such fees and expenses.

19. If the Issuer elects to treat the arrangement by which any Bonds are issued as a REMIC and the sale of Residual Interests results in the transfer of control (as the term "control" is defined in Rule 405 under the Securities Act) of such REMIC, the exemptive relief afforded by any order granted on the application would not apply to subsequent Bond offerings by such REMIC.

20. If any of the equity interests in the Issuer are transferred and such transfer results in the transfer of control (as the term "control" is defined in Rule 405 under the Securities Act) of the Issuer, the relief afforded by any order granted on the application would not apply to subsequent Bond offerings by the Issuer or any REMIC.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-17757 Filed 7-28-89; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted on or before August 30, 1989. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer: William Cline, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone: (202) 653-8538. OMB Reviewer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395-7340.

Title: Business Intellectual Property Protection Survey.

Form Nos.: SBA Form 1685.

Frequency: On occasion.

Description of respondents: Small Businesses which will provide information which will enable the Office of Advocacy to update its existing patent research, analyze the use of trade secrets, copyrights and licensing.

Annual Responses: 1,604.

Annual Burden Hours: 887.

Title: Financial Assistance Request to Participate in International Trade Exhibition or Mission.

Form Nos.: 1369, 1369.1, 1369.2, 1369.3.

Frequency: On occasion.

Description of respondents: Small businesses wishing to participate in overseas export promotion events.

Annual Responses: 125.

Annual Burden Hours: 218.75.

Title: Client Export Profile.

Form Nos.: 1174.

Frequency: On occasion.

Description of respondents: Small Businesses seeking export counseling.

Annual Responses: 5000.

Annual Burden Hours: 850.

William Cline,

Chief, Administrative Information Branch.

[FR Doc. 89-17719 Filed 7-28-89; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2371]

Declaration of Disaster Loan Area; Connecticut

As a result of the President's major disaster declaration on July 18, 1989, I find that the counties of Litchfield and New Haven, in the State of Connecticut, constitute a disaster loan area due to damages from thunderstorms, tornadoes, and severe winds which occurred on July 10, 1989. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on September 18, 1989, and for economic injury until the close of business on April 18, 1990, at the address listed below: Disaster Area 1 Office, Small Business Administration, 15–01 Broadway, Fair Lawn, New Jersey 07410, or other locally announced locations. In addition, applications for economic injury from small businesses located in the contiguous counties of Fairfield, Hartford, and Middlesex, in the State of Connecticut; Hampden and Berkshire Counties, in the State of Massachusetts; and Dutchess County in the State of New York, may be filed until the specified date at the above location.

The interest rates are:

	Percent
Homeowners with Credit Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Businesses and Non-Profit Organizations (EIDL) Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	9.125

The number assigned to this disaster for physical damage is 237112, and for economic injury the numbers are 679600 for the State of Connecticut; 679700 for the State of Massachusetts; and 679800 for the State of New York.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: July 21, 1989.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89–17716 Filed 7–28–89; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Areas #2364, #2365, #2366, & #2367]

Delaware (and Contiguous Counties in the States of New Jersey, Pennsylvania, and Maryland); Declaration of Disaster Loan Area

New Castle County and the contiguous county of Kent in the State of Delaware, as well as the contiguous counties of Gloucester and Salem in the State of New Jersey; Delaware and Chester Counties in the State of Pennsylvania; and Cecil and Kent Counties in the State of Maryland, constitute a disaster area as a result of damages from heavy rains and flooding which occurred July 4 through July 6, 1989. Applications for loans for physical damage may be filed until the close of business on September 18, 1989 and for economic injury until the close of business on April 20, 1990 at the address listed below: Disaster Area 2 Office, Small Business Administration, 120 Ralph McGill Blvd., 14th Floor, Atlanta, GA 30308 or other locally announced locations.

The interest rates are:

	Percent
Homeowners with Credit Available Elsewhere	8.000
Homeowners without Credit Available Elsewhere	4.000
Businesses with Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations without Credit Available Elsewhere	4.000
Businesses and Non-Profit Organizations (EIDL) without Credit Available elsewhere	4.000
Others (Including Non-Profit Organizations) with Credit Available Elsewhere	9.125

The numbers assigned to this disaster are 236406 for physical damage and 678500 for economic injury for the State of Delaware; 236506 and 678600 for the State of New Jersey; 236606 and 678700 for the State of Pennsylvania; and 236706 and 678800 for the State of Maryland.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Date: July 20, 1989.

Susan Engeleiter,

Administrator.

[FR Doc. 89–17717 Filed 7–28–89; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2368]

Louisiana (and Contiguous Counties in the State of Texas) Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on July 18, 1989, I find that the parishes of Allen, Beauregard, Calcasieu, East Baton Rouge, Grant, Iberville, Natchitoches, Pointe Coupee, Rapides, and Winn, in the State of Louisiana, constitute a disaster loan area due to damages from Tropical Storm Allison beginning on June 25, 1989. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on September 16, 1989, and for economic injury until the close of business on April 18, 1990, at the address listed below:

Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051.

or other locally announced locations. In addition, applications for economic injury from small businesses located in the contiguous parishes of Ascension, Assumption, Avoyelles, Bienville, Caldwell, Cameron, Concordia, DeSoto, East Feliciana, Evangeline, Iberia, Jackson, Jefferson Davis, LaSalle, Livingston, Red River, Sabine, St. Landry, St. Helena, Upper St. Martin, Vernon, West Baton Rouge, and West Feliciana, in the State of Louisiana, and the counties of Newton and Orange, in the State of Texas, may be filed until the specified date at the above location.

The interest rates are:

	Percent
Homeowners with Credit Available Elsewhere	8.000
Homeowners without Credit Available Elsewhere	4.000
Businesses with Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations without Credit Available Elsewhere	4.000
Businesses and Non-Profit Organizations (EIDL) without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) with Credit Available Elsewhere	9.125

The number assigned to this disaster for physical damage is 236811 and for economic injury the numbers are 678900 for the State of Louisiana, and 679000 for the State of Texas.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: July 20, 1989.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89-17720 Filed 7-28-89; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2369]

Declaration of Disaster Loan Area; New York

Schoharie County and the contiguous counties of Albany, Delaware, Greene, Montgomery, Otsego, and Schenectady, in the State of New York, constitute a disaster area as a result of damages from severe storms and tornadoes which occurred on July 10, 1989. Applications for loans for physical damage may be filed until the close of business on September 21, 1989, and for economic injury until the close of business on April 23, 1990 at the address listed below:

Disaster Area 1 Office, Small Business Administration, 15-01 Broadway, Fair Lawn, NJ 07410.

or other locally announced locations.

The interest rates are:

	Percent
Homeowners with Credit Available Elsewhere	8.000
Homeowners without Credit Available Elsewhere	4.000
Businesses with Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations without Credit Available Elsewhere	4.000
Businesses and Non-Profit Organizations (EIDL) without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) with Credit Available Elsewhere	9.125

The number assigned to this disaster for physical damage is 236912 and for economic injury the number is 679400.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Date: July 21, 1989.

Katherine Bulow,

Acting Administrator.

[FR Doc. 89-17718 Filed 7-28-89; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2370]

Texas; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on July 18, 1989, I find that the Counties of Hardin, Harris, Jasper, Jefferson, Liberty, Newton, Orange, San Jacinto, and Tyler, in the State of Texas, constitute a disaster loan area due to damages from Tropical Storm Allison which occurred June 25 through July 7, 1989. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on September 16, 1989, and for economic injury until the close of business on April 18, 1990, at the address listed below:

Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051.

or other locally announced locations. In addition, applications for economic injury from small businesses located in the contiguous counties of Angelina Brazoria, Chambers, Fort Bend, Galveston, Montgomery, Polk, Sabine, San Augustine, Trinity, Walker, and Waller, in the State of Texas, may be filed until the specified date at the above location.

The Louisiana counties that are contiguous to the above-named counties have been covered in a separate declaration for the same occurrence.

The interest rates are:

	Percent
The interest rates are:	
Homeowners with Credit Available Elsewhere	8.000
Homeowners without Credit Available Elsewhere	4.000
Businesses with Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations without Credit Available Elsewhere	4.000
Businesses and Non-Profit Organizations (EIDL) without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) with Credit Available Elsewhere	9.125

The number assigned to this disaster for physical damage is 237011 and for economic injury the number is 679500.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: July 20, 1989

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89-17721 Filed 7-28-89; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council; Public Meeting

The U.S. Small Business Administration Region V Advisory Council, located in the geographical area of Chicago, will hold a public meeting at 10:00 a.m. on Tuesday, August 22, 1989, at the Holiday Inn, Mart Plaza, 350 N. Orleans St., Chicago, Illinois, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call John L. Smith, District Director, U.S. Small Business Administration, 219 South Dearborn Street, Room 437, Chicago, Illinois, 60604, phone (312) 353-4508.

July 25, 1989.

R. William Crovella II,

Acting Director, Office of Advisory Councils.

[FR Doc. 89-17715 Filed 7-28-89; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0527]

Bishop Capital II, L.P.; Issuance of a Small Business Investment Company License

On January 30, 1989, a notice was published in the **Federal Register** (Vol. 54, No. 18, Page 4372) stating that an application has been filed by Bishop Capital II, L.P., Newark, New Jersey, with the Small Business Administration (SBA) pursuant to the Regulations governing small business investment companies (13 CFR 107.102) (1989) for a license as a small business investment company.

Interested parties were given until close of business March 1, 1989, to submit comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02-0527 on July 3, 1989, to Bishop Capital II, L.P. to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

Dated: July 24, 1989.

[FR Doc. 89-17714 Filed 7-28-89; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 04/04-5251]

First Growth Capital, Inc.; Application for License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1989) by First Growth Capital, Inc. (the Applicant), 4630 Chambers Road, Macon, Georgia 31206, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors, and shareholder of the Applicant are as follows:

Name and address	Title or relationship	Percentage of shares owned
Vijay Kumar Patel, 55 Frontage Road, Forsyth, Georgia 31029.	President/ Manager/ Director.	0
Vidya Arun Patel, c/o New Forsyth Inn, 55 Frontage Road, Forsyth, Georgia 31029.	Secretary/ Director.	0
Divakar Ramanath Kamath, 6W Kincard Drive, Cranbury, New Jersey 08512.	Director	0
Krisgit Investments, Inc., 55 Frontage Road, Forsyth, Georgia 31029.	Shareholder	*100

* 100 percent owned by Mr. Vijay K. Patel.

The Applicant will begin operations with a capitalization of $1,025,000 and will be a source of equity capital and long term loan funds for qualified small business concerns.

The Applicant will conduct its operations in the State of Georgia. As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act and will provide assistance solely to small concerns which will contribute to a well balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management including profitability and financial soundness in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, DC 20416.

A copy of this Notice will be published in the newspaper of general circulation in the Macon, Georgia area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

Dated: July 24, 1989.

[FR Doc. 89-17713 Filed 7-28-89; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 1120]

Determinations on Export-Import Bank Financial Guarantees and Insurance for Purchase of Anti-Narcotics Equipment by Colombia

Pursuant to section 4703 of the Anti-Drug Abuse Act of 1988, and Executive Order 12680 of July 5, 1989, I hereby determine that:

(1) The defense articles and services for which the Government of Colombia requested Export-Import Bank financial guarantees in its letters serial 1780 of February 23, 1989, and MDCPE-001 of April 19, 1989, are being sold primarily for anti-narcotics purposes; and

(2) the sale of these defense articles and services and the provision by the Export-Import Bank of guarantees or insurance for such sale would be in the national interest of the United States.

This determination shall be reported to the Congress immediately, and shall be published in the **Federal Register.**

Date: July 13, 1989.

Lawrence S. Eagleburger,

Deputy Secretary of State.

[FR Doc. 89-17727 Filed 7-28-89; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-89-30]

Petition for Exemption; Summary and Disposition

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: August 21, 1989.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on July 25, 1989.

Denise Donohue Hall,

Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Exemption

Docket No.: 19634
Petitioner: Douglas Aircraft Corporation
Sections of the FAR Affected: 14 CFR 121.310(d)(4)

Description of Relief Sought: To extend Exemption No. 3055D that allows operations of DC–8 aircraft with an emergency light system without a cockpit control device that has an "on," "off," and "armed" position. Exemption No. 3055D will expire on December 1, 1989.

Docket No.: 25876
Petitioner: Stephen A. Micks
Regulations Affected: 14 CFR 61.39(a)(l)
Description of Relief Sought: To relieve the petitioner of the requirement to pass the written test since the beginning of the 24th month before the month in which the flight test was taken.

Docket No.: 25921
Petitioner: American Airlines
Sections of the FAR Affected: 14 CFR 108.23
Description of Relief Sought: To allow petitioner to complete security training for its crewmembers within an 18-month time frame instead of the 12-month timeframe required by § 108.23.

Docket No.: 25942
Petitioner: Gerard A. Preiser
Sections of the FAR Affected: 14 CFR 91.42(a)(l) and (2)
Description of Relief Sought: To allow petitioner to operate five aircraft with an airworthiness certificate issued under the experimental category to be used for the purpose of skywriting.

Docket No.: 072CE
Petitioner: Beech Aircraft
Sections of the FAR Affected: 14 CFR 23.207(c)
Description of Relief Sought: To permit type of certification of the Beach Model 2000 airplane with a stall warning beginning at airspeeds greater than 10 knots or 15 percent above the stall speed, as required by § 23.207(c)

Docket No.: 23499
Petitioner: Lifeline Pilots
Regulations Affected: 14 CFR 61.118(a)
Discription of Relief Sought/ Disposition: To permit private pilots who perform flight services for petitioner to be reimbursed for their fuel expenses. *Grant, July 10, 1989, Exemption No. 5068.*

Docket No.: 25211
Petitioner: Eastern Air Lines, Inc.
Sections of the FAR Affected: 14 CFR 121.371(a) and 121.378
Description of Relief Sought/ Disposition: To extend Exemption No. 4796 that allows petitioner to utilize foreign original equipment manufacturers (OEM) that are certificated and appropriately rated by the Civil Aviation Authority of France, Italy, West Germany, or the United Kingdom to perform maintenance, preventive maintenance, and alterations outside the United States on petitioner's Airbus 300 airplanes, parts, and equipment. *Grant, June 29, 1989, Exemption No. 4796A.*

Docket No.: 25219
Petitioner: Presidential Airways, Inc., d/b/a/ Presidential Airways, d/b/a United Express
Sections of the FAR Affected: 14 CFR 121.371(a) and 121.378
Description of Relief Sought/ Disposition: To extend Exemption No. 4813 that allows petitioner to utilize the original equipment manufacturers (OEM's) to perform maintenance outside of the United States on component parts of petitioner's BAe-146 aircraft. The petitioner has also requested that the exemption be amended to permit petitioner to utilize the OEM's to perform maintenance outside the United States on component parts of its BAe-146 aircraft, without limitation to warranty repairs. *Grant June 29, 1989, Exemption No. 4813A.*

Docket No.: 25594
Petitioner: Regal Air
Sections of the FAR Affected: 14 CFR 43.3(g)
Description of Relief Sought/ Disposition: To allow pilots employed by petitioner to remove and install aircraft seats as required for a paticular flight. *Grant July 20, 1989 Exemption No. 5073.*

Docket No.: 25605
Petitioner: Ameriflight, Inc.
Section of the FAR Affected: 14 CFR 135.89(b)(3)
Description of Relief Sought/ Disposition: To allow petitioner to operate jet aircraft between 35,000 and 41,000 feet MSL without requiring one pilot at the controls to wear an oxygen mask. *Denial. July 17, 1989, Exemption No. 5071.*

Docket No.: 25786
Petitioner: United Parcel Service
Section of the FAR Affected: 14 CFR 121.337.
Description of Relief Sought/ Disposition: To allow the combination of oxygen masks and smoke goggles that are approved to FAA TSO–C99 and are presently in use on petitioner's all-cargo aircraft to be used in meeting the requirements of the FAR. *Denial, July 12, 1989, Exemption No. 5069.*

Docket No.: 25866
Petitioner: Evergreen International Airlines, Inc.
Section of the FAR Affected: 14 CFR 121.337
Description of Relief Sought/ Disposition: To allow the combination of oxygen masks and smoke goggles approved to FAA Technical Standard Order C99 and presently in use on petitioner's all-cargo aircraft in meeting the requirements of § 121.337 *Denial, July 12, 1989, Exemption No. 5070.*

Docket No.: 25949
Petitioner: Presidential Airways
Sections of the FAR Affected: 14 CFR 121.411(a)(1), (2), (3), and (6) and 121.413(b) and (c)
Description of Relief Sought/ Disposition: To allow petitioner to utilize certain highly qualified pilot flight and simulator instructors from Boeing Canada, de Havilland Division (DHC) and FlightSafety, Canada for the purpose of training petitioner's initial cadre of pilots in the DHC Dash 8–300 type airplane in Canada and the United States without holding appropriate U.S. certificates and ratings and without meeting all of the applicable training requirements of Subpart N of Part 121. The training would be conducted in either Canadian- or U.S.-registered aircraft. *Partial Grant, July 18, 1989, Exemption No. 5072.*

[FR Doc. 89–17773 Filed 7–28–89; 8:45am]
BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. IP89–05; Notice 1]

Receipt of Petition for Determination of Inconsequential Noncompliance; Grumman Olson

Grumman Olson of Sturgis, MI., has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.101, Federal Motor Vehicle Safety Standard (FMVSS) No. 101, "Controls and Displays," on the basis that it is inconsequential as it related to motor vehicle safety.

This Notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Prior to 1987, Standard No. 101 specified an identification symbol for the headlamp control. Beginning in 1987, this symbol was no longer allowed and was replaced by an identification

symbol for the master light switch control. The latter symbol is now required by Standard No. 101 when one control activates multiple lighting systems (i.e., headlights, taillights, clearance lights). Grumman Olson used the old headlamp control identification symbol to equip 2,100 walk-in vans mounted on Ford E–350 stripped chassis in 1987, 1988 and 1989. Therefore, these vehicles are not in compliance with Standard No. 101.

Grumman Olson supports its petition for inconsequential noncompliance for the following reasons:

1. The light switch is identified by the old symbol which was required in 1980 and allowed until 1987.

2. Since the symbol has been in use for seven years it is recognized as the light switch.

3. These types of vehicles are generally used in fleets which have a mixture of old and new trucks. The old trucks would contain the old symbol. Therefore, drivers would be familiar with it and understand that it denotes the light switch in new vehicles.

Interested persons are invited to submit written data, views and arguments on the petition of Grumman Olson described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC, 20590. It is requested but not required that five copies be submitted.

All comment received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: August 30, 1989.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on: July 26, 1989.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 89–17787 Filed 7–28–89; 8:45 am]

BILLING CODE 4910–59–M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in January—March 1989. The modes of transportation involved are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
970–P	DOT–E 970	Voltaix, Inc, Branchburg, NJ	49 CFR 173.21(b), 173.300, 173.302(g).	To become a party to exemption 970. (Modes 1, 2.)
1479–X	DOT–E 1479	U.S. Department of Defense, Falls Church VA.	49 CFR 172.101, 173.318, 178.338	To authorize use of non-DOT specification cargo tanks, for transportation of liquid flourine and liquid nitrogen. (Mode 1.)
1862–X	DOT–E 1862	Greer Hydraulics, Inc., Cleveland, OH.	49 CFR 173.302(a)(1), 175.3	To authorize shipment of nitrogen in hydraulic accumulators. (Modes 1, 2, 3, and 4.)
2000–P	DOT–E 2000	Linde Gases of New England, West Hartford, CT.	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To become a party to exemption 2000. (Mode 1.)
2000–P	DOT–E 2000	Linde Gases of the Mid-Atlantic, Moorestown, NJ.	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To become a party to exemption 2000. (Mode 1.)
2000–P	DOT–E 2000	UNIGAS, Inc., Ponce, PR	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To become a party to exemption 2000. (Mode 1.)
2000–P	DOT–E 2000	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To become a party to exemption 2000. (Mode 1.)
2000–P	DOT–E 2000	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To become a party to exemption 2000. (Mode 1.)
2000–P	DOT–E 2000	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To become a party to exemption 2000. (Mode 1.)
2000–X	DOT–E 2000	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To authorize use of a non-DOT specification portable tank or a DOT Specification 4L cylinder, for shipment of flammable liquefied compressed gases. (Mode 1.)
2000–P	DOT–E 2000	Linde Gases of the South Inc., Houston, TX.	49 CFR 172.101, 173.304(a) 173.316(a)(2).	To become a party to exemption 2000. (Mode 1.)
2582–P	DOT–E 2582	Linde Gases of New England, West Hartford, CT.	49 CFR 175.3, Part 173, Subparts D, E, F, G.	To become a party to exemption 2582. (Modes 1, 2, 3, and 4.)
2582–P	DOT–E 2582	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	45 CFR 175.3, Part 173, Subparts D, E, F, G.	To become a party to exemption 2582. (Modes 1, 2, 3, and 4.)
2582–P	DOT–E 2582	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 175.3, Part 173, Subparts D, E, F, G.	To become a party to exemption 2582. (Modes 1, 2, 3, and 4.)
2582–P	DOT–E 2582	Linde Gases of the Midwest, Inc., Hillside, IL.	49 CFR 175.3, Part 173, Subparts D, E, F, G.	To become a party to exemption 2582. (Modes 1, 2, 3, and 4.)
2582–P	DOT–E 2582	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 175.3, Part 173, Subparts, D, E, F, G.	To become a party to exemption 2582. (Modes 1, 2, 3, and 4.)
2582–P	DOT–E 2582	Linde Gases of the South, Inc., Houston, TX.	49 CFR 175.3, Part 173, Subparts D, E, F, G.	To become a party to exemption 2582. (Modes 1, 2, 3, and 4.)
2582–P	DOT–E 2582	Mobil Chemical Company, Stamford, CT.	49 CFR 175.3 Part 173, Subparts D, E, F, G.	To become a party to exemption 2582. (Modes 1, 2, 3, and 4.)
3004–P	DOT–E 3004	Linde Gases of the Midwest, Inc., Hillside, Il.	49 CFR 173.302, 175.3	To become a party to exemption 3004. (Modes 1, 2, 4, and 5.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3004-P	DOT-E 3004	Linde Gases of the Southeast, Inc., Wilmington, NC.	49 CFR 173.302, 175.3	To become a party to exemption 3004. (Modes 1, 2, 4, and 5.)
3004-P	DOT-E 3004	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.302, 175.3	To become a party to exemption 3004. (Modes 1, 2, 4, and 5.)
3004-P	DOT-E 3004	UNIGAS, Inc., Ponce, PR	49 CFR 173.302, 175.3	To become a party to exemption 3004. (Modes 1, 2, 4, and 5.)
3004-P	DOT-E 3004	Linde Gases of the Great Lakes, Inc., Cleveland, OH.	49 CFR 173.302, 175.3	To become a party to exemption 3004. (Modes 1, 2, 4, and 5.)
3004-P	DOT-E 3004	Linde Gases of the Mid-Atlantic, Moorestown, NJ.	49 CFR 173.302, 175.3	To become a party to exemption 3004. (Modes 1, 2, 4, and 5.)
3004-P	DOT-E 3004	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.302, 175.3	To become a party to exemption 3004. (Modes 1, 2, 4, and 5.)
3004-P	DOT-E 3004	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.302, 175.3	To become a party to exemption 3004. (Modes 1, 2, 4, and 5.)
3004-P	DOT-E 3004	Linde Puerto Rico, Inc., Gurabo, PR.	49 CFR 173.302, 175.3	To become a party to exemption 3004. (Modes 1, 2, 4, and 5.)
3004-P	DOT-E 3004	Linde Gases of The West, Oakland, CA.	49 CFR 173.302, 175.3	To become a party to exemption 3004. (Modes 1, 2, 4, and 5.)
3004-P	DOT-E 3004	GenEx, Ltd., Des Moines, IA	49 CFR 173.302, 175.3	To become a party to exemption 3004. (Modes 1, 2, 4, and 5.)
3004-P	DOT-E 3004	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.302, 175.3	To become a party to exemption 3004. (Modes 1, 2, 4, and 5.)
3109-X	DOT-E 3109	Raytheon Company, Lowell, MA	49 CFR 173.301(e), 173.302(a)(1), 175.3.	To authorize use of non-DOT specification pressure vessels, for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1, 2, 3, 4, and 5.)
3109-X	DOT-E 3109	General Dynamics Corporation, East Camden, AR.	49 CFR 173.301(e), 173.302(a)(1), 175.3.	To authorize use of non-DOT specification pressure vessels, for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1, 2, 3, 4, and 5.)
3109-X	DOT-E 3109	HR Textron, Inc.—Fuel/Pneumatics Division, Pacoima, CA.	49 CFR 173.301(e), 173.302(a)(1), 175.3.	To authorize use of non-DOT specification pressure vessels, for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1, 2, 3, 4, and 5.)
3498-X	DOT-E 3498	U.S. Department of Defense, Falls Church, VA.	49 CFR 146.02-22, 146.09, 146.29-100, 146.29-43, 176.3, Part 107, Subpart B, Part 176, Subpart B, Part 177, Parts 172, Parts 174, Subparts C, D, F, H, Subparts I, J, L, M, Subparts N, O.	To authorize transport of vehicles loaded with military explosives classed as explosive A, B or C and other hazardous materials essential for military operations. (Modes 1, 2, and 3.)
3600-X	DOT-E 3600	U.S. Department of Defense, Falls Church, VA.	49 CFR 172.101, 172.300, 173.87	To authorize shipment of Lance rocket engines in specific configurations which contain Class B and Class C explosives. (Modes 1, 2.)
3630-X	DOT-E 3630	General Chemical Corporation, Parsippany, NJ.	49 CFR 177.839(a) 177.839(b)	To authorize use of a DOT Specification 33A polystyrene case to contain four 5-pint glass bottles of nitric acid. (Mode 1.)
4242-X	DOT-E 4242	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.134, 173.87	To authorize use of a non-DOT specification aluminum pressure vessel, for transportation of certain pyroforic mixture. (Modes 4, 5.)
4338-X	DOT-E 4338	Stauffer Chemical Company, Shelton, CT.	49 CFR 173.119(m) 173.245a, 173.247, 174.63(b).	To renew and to provide shipment of triisobutylvanadate, classed as a flammable liquid, titanium tetrachloride tetra-n-butyl titanate, classed as corrosive materials, other corrosive liquids specifically identified in DOT Specification 51 portable tanks. (Modes 1, 2, and 3.)
4453-X	DOT-E 4453	Brandywine Explosives & Supply, Inc., Lexington, KY.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-E 4453	Quick Supply Co., Des Moines, IA	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-P	DOT-E 4453	SherDeb Corporation, Lehigh Valley, PA.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to exemption 4453. (Modes 1, 3.)
4453-P	DOT-E 4453	Reed Explosives, Inc., Blountsville, AL.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to exemption 4453. (Modes 1, 3.)
4453-X	DOT-E 4453	Energy Ventures Corp., dba Columbus Powder Company, Columbus, IN.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-E 4453	Atlas Powder Company, Dallas, TX	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-E 4453	Laverty Supply, Inc., Indianola, IA	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-E 4453	ETI Explosives Technologies, International Inc., Wilmington, DE.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-E 4453	Kentucky Powder Company, Lexington, KY.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
4453-X	DOT-E 4453	Laurel Explosives, Inc., East Bernstadt, KY.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4575-P	DOT-E 4575	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.314(c), 173.315(a)	To become a party to exemption 4575. (Modes 1, 2, and 3.)
4575-P	DOT-E 4575	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.314(c), 173.315(a)	To become a party to exemption 4575. (Modes 1, 2, and 3.)
4575-P	DOT-E 4575	UNIGAS, Inc., Ponce, PR	49 CFR 173.314(c), 173.315(a)	To become a party to exemption 4575. (Modes 1, 2, and 3.)
4575-P	DOT-E 4575	Linde Gases of Florida, Inc, Tampa, FL.	49 CFR 173.314(c), 173.315(a)	To become a party to exemption 4575. (Modes 1, 2, and 3.)
4575-P	DOT-E 4575	Linde Gases of Southern California, Inc. Santa Ana, CA.	49 CFR 173.314(c), 173.315(a)	To become a party to exemption 4575. (Modes 1, 2, and 3.)
4575-P	DOT-E 4575	Linde Gases of The Southeast, Inc., Wilmington, NC.	49 CFR 173.314(c), 173.315(a)	To become a party to exemption 4575. (Modes 1, 2, and 3.)
4575-P	DOT-E 4575	Linde Gases of The Midwest, Inc., Hillside, IL.	49 CFR 173.314(c), 173.315(a)	To become a party to exemption 4575. (Modes 1, 2, and 3.)
4575-P	DOT-E 4575	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.314(c), 173.315(a)	To become a party to exemption 4575. (Modes 1, 2, and 3.)
4575-P	DOT-E 4575	Linde Gases of The West, Oakland, CA.	49 CFR 173.314(c), 173.315(a)	To become a party to exemption 4575. (Modes 1, 2, and 3.)
4575-P	DOT-E 4575	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.314(c), 173.315(a)	To become a party to exemption 4575. (Modes 1, 2, and 3.)
4719-X	DOT-E 4719	Halocarbon Products Corporation, North Augusta, SC.	49 CFR 173.314(c), 173.315(a)(1), 179.102-11.	To authorize shipment of certain compressed gases most of which are not listed in 49 CFR 173.314 and 173.315, in DOT Specification MC-330 and MC-331 cargo tanks or 105A300W, 112A340W, 114A340W, 106A500, 106A500X and 110A500W tank car tanks. (Modes 1, 2.)
4719-X	DOT-E 4719	Dow Chemical U.S.A., Freeport, TX.	49 CFR 173.314(c), 173.315(a)(1), 179.102-11.	To authorize shipment of certain compressed gases most of which are not listed in 49 CFR 173.314 and 173.315, in DOT Specification MC-330 and MC-331 cargo tanks or 105A300W, 112A340W, 114A340W, 106A500, 106A500X and 110A500W tank car tanks. (Modes 1, 2.)
4719-X	DOT-E 4719	Allied-Signal Inc./Engineered Materials Sector, Morristown, NJ.	49 CFR 173.314(c), 173.315(a)(1), 179.102-11.	To authorize shipment of certain compressed gases most of which are not listed in 49 CFR 173.314 and 173.315, in DOT Specification MC-330 and MC-331 cargo tanks or 105A300W, 112A340W, 114A340W, 106A500, 106A500X and 110A500W tank car tanks. (Models 1,2.)
4726-X	DOT-E 4726	U.S. Department of Energy, Washington, DC.	49 CFR 173.245	To authorize transport of certain liquid metal fluorides, in non-DOT specification monel cylinders, overpacked in a strong wooden box with cushioning material. (Mode 1.)
4803-X	DOT-E 4803	Dowell Schlumberger, Inc., Tulsa, OK.	49 CFR 173.245, 173.248, 173.249, 173.263, 173.272, 173.289, 178.343-5.	To authorize use of non-DOT specification cargo tank motor vehicles, for shipment of certain corrosive liquids. (Mode 1.)
5022-X	DOT-E 5022	Morton Thiokol, Incorporated, Elkton, MD.	49 CFR 174.101(l), 174.104(d), 174.112(a), 174.86, 177.834(l)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1,2.)
5022-X	DOT-E 5022	U.S. Department of Defense, Falls Church, VA.	49 CFR 174.101(l), 174.104(d), 174.112(a), 174.86, 177.834(l)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1,2.)
5022-X	DOT-E 5022	Hercules Aerospace Company, Magna, UT.	49 CFR 174.101(l), 174.104(d), 174.112(a), 174.86, 177.834(l)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1,2.)
5022-X	DOT-E 5022	United Technologies Chemical Systems, San Jose, CA.	49 CFR 174.101(l), 174.104(d), 174.112(a), 174.86, 177.834(l)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1,2.)
5022-X	DOT-E 5022	Boeing Aerospace, Seattle, WA	49 CFR 174.101(l), 174.104(d), 174.112(a), 174.86, 177.834(l)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1,2.)
5022-X	DOT-E 5022	Aerojet Solid Propulsion Company, Sacramento, CA.	49 CFR 174.101(l), 174.104(d), 174.112(a), 174.86, 177.834(l)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1,2.)
5206-X	DOT-E 5206	Amos L. Dolby Company, Corsica, PA.	49 CFR 173.114a	To authorize privately operated bulk hopper-type units, for transportation of blasting agents. (Mode 1.)
5206-X	DOT-E 5206	Austin Powder Company, Cleveland, OH.	49 CFR 173.114a	To authorize privately operated bulk hopper-type units, for transportation of blasting agents. (Mode 1.)
5206-X	DOT-E 5206	El Dorado Chemical Company, St. Louis, MO.	49 CFR 173.114a	To authorize privately operated bulk hopper-type units, for transportation of blasting agents. (Mode 1.)
5206-P	DOT-E 5206	Atlas Powder Company, Dallas, TX.	49 CFR 173.114a	To become a party to exemption 5206. (Mode 1.)
5206-X	DOT-E 5206	Nelson Brothers, Inc., Parish, AL.	49 CFR 173.114a	To authorize privately operated bulk hopper-type units, for transportation of blasting agents. (Mode 1.)
5206-P	DOT-E 5206	Geenen Explosives, Inc., Kaukauna, WI.	49 CFR 173.114a	To become a party to exemption 5206. (Mode 1.)
5600-X	DOT-E 5600	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 175.3, Part 173, Subparts D, F, G.	To authorize transport of flammable or nonflammable compressed gases, flammable, corrosive liquids or oxidizers presently authorized to be shipped in a DOT Specification 3A cylinder, to be shipped in a non-DOT specification cylinder made to DOT-3A specification with certain exceptions. (Modes 1, 2, and 4.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5600-X	DOT-E 5600	Ozark-Mahoning Company, Tulsa, OK.	49 CFR 175.3, Part 173, Subparts D, F, G.	To authorize transport of flammable or nonflammable compressed gases, flammable, corrosive liquids or oxidizers presently authorized to be shipped in a DOT Specification 3A cylinder, to be shipped in a non-DOT specification cylinder made to DOT-3A specification with certain exceptions. (Modes 1, 2, and 4.)
5600-X	DOT-E 5600	Solkatronic Chemicals, Inc., Fairfield, NJ.	49 CFR 175.3, Part 173, Subparts D, F, G.	To authorize transport of flammable or nonflammable compressed gases, flammable, corrosive liquids or oxidizers presently authorized to be shipped in a DOT Specification 3A cylinder, to be shipped in a non-DOT specification cylinder made to DOT-3A specification with certain exceptions. (Modes 1, 2, and 4.)
5600-X	DOT-E 5600	Amoco Oil Company, Whiting, IN	49 CFR 175.3, Part 173, Subparts D, F, G.	To authorize transport of flammable or nonflammable compressed gases, flammable, corrosive liquids or oxidizers presently authorized to be shipped in a DOT Specification 3A cylinder, to be shipped in a non-DOT specification cylinder made to DOT-3A specification with certain exceptions. (Modes 1, 2, and 4.)
5604-X	DOT-E 5604	Airco Industrial Gases Division of the BOC Group, Murray Hill, NJ.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 178.338.	To authorize party status to the reinstated exemption which authorizes shipment of liquid helium in non-DOT specification cargo tanks. (Modes 1, 3.)
5923-P	DOT-E 5923	Linde Gases of The Great Lakes, Inc., Cleveland, OH.	49 CFR 173.148(a)(4), 173.31(d)(9), 173.314.	To become a party to exemption 5923. (Modes 1, 2, and 3.)
5923-P	DOT-E 5923	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.148(a)(4), 173.31(d)(9), 173.314.	To become a party to exemption 5923. (Modes 1, 2, and 3.)
5923-P	DOT-E 5923	Linde Gases of The Southeast, Inc., Wilmington, NC.	49 CFR 173.148(a)(4), 173.31(d)(9), 173.314.	To become a party to exemption 5923. (Modes 1, 2, and 3.)
5923-P	DOT-E 5923	Linde Gases of The Midwest, Inc., Hillside, IL.	49 CFR 173.148(a)(4), 173.31(d)(9), 173.314.	To become a party to exemption 5923. (Modes 1, 2, and 3.)
5923-P	DOT-E 5923	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.148(a)(4), 173.31(d)(9), 173.314.	To become a party to exemption 5923. (Modes 1, 2, and 3.)
5923-P	DOT-E 5923	Linde Gases of The Mid-Atlantic, Morrestown, NJ.	49 CFR 173.148(a)(4), 173.31(d)(9), 173.314.	To become a party to exemption 5923. (Modes 1, 2, and 3.)
5923-P	DOT-E 5923	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.148(a)(4), 173.31(d)(9), 173.314.	To become a party to exemption 5923. (Modes 1, 2, and 3.)
5923-P	DOT-E 5923	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.148(a)(4), 173.31(d)(9), 173.314.	To become a party to exemption 5923. (Modes 1, 2, and 3.)
5923-P	DOT-E 5923	Linde Gases of The West, Oakland, CA.	49 CFR 173.148(a)(4), 173.31(d)(9), 173.314.	To become a party to exemption 5923. (Modes 1, 2, and 3.)
5923-P	DOT-E 5923	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.148(a)(4), 173.31(d)(9), 173.314.	To become a party to exemption 5923. (Modes 1, 2, and 3.)
6126-X	DOT-E 6126	Rhone-Poulenc Inc., Princeton, NJ	49 CFR 173.253(a)	To authorize shipment of chloracetyl chloride in DOT Specification 6D/2S or 2SL composite packaging. (Modes 1, 3.)
6126-X	DOT-E 6126	Monsanto Agricultural Company, St. Louis, MO.	49 CFR 173.253(a)	To authorize shipment of chloracetyl chloride in DOT Specification 6D/2S or 2SL composite packaging. (Modes 1, 3.)
6232-X	DOT-E 6232	U.S. Department of Defense, Washington, DC.	49 CFR 172.101, 173.102, 173.108, 173.176, 173.87, 175.3.	To authorize shipment of nonflammable gas, Class C explosive, and a flammable solid to be packaged in the same outside package. (Modes 1, 3, and 4.)
6232-X	DOT-E 6232	McDonnell Douglas Corp., Saint Louis, MO.	49 CFR 172.101, 173. 102, 173.108, 173.176, 173.87, 175.3.	To authorize shipment of nonflammable gas, Class C explosive, and a flammable solid to be packaged in the same outside package. (Modes 1, 3, 4).
6250-P	DOT-E 6250	McDonnell Douglas Corp., St. Louis, MO.	49 CFR 172.101, 173.102, 173.69, 173.79, 173.87, 173.92, 173.94, 176.83, 177.848.	To become a party to exemption 6250. (Modes 1, 3.)
6293-P	DOT-E 6293	Atlas Powder Co., Dallas, TX	49 CFR 173.21(b), 173.248	To become a party to exemption 6293. (Mode 1.)
6296-X	DOT-E 6296	Platte Chemical Co. Greeley, CO	49 CFR 173.377(g)	To authorize additional bag packagings, for transportation of certain Class B poisons in DOT Specification 44D multi-wall paper bags. (Modes 1, 2.)
6309-P	DOT-E 6309	Preferred Foam Products, Inc., Old Soybrook, CT.	49 CFR 173.315(a)(1), 174.63(b)	To become a party to exemption 6309. (Modes 1, 2.)
6309-P	DOT-E 6309	Eastern Foam Systems Inc. Stratford, CT.	49 CFR 173.315(a)(1), 174.63(b)	To become a party to exemption 6309. (Modes 1, 2.)
6418-P	DOT-E 6418	Cenex Land O Lake, Vancouver, WA.	49 CFR 173.357(b)	To become a party to exemption 6418. (Mode 1.)
6418-P	DOT-E 6418	Trical, Inc., Hollister, CA	49 CFR 173.357(b)	To become a party to exemption 6418. (Mode 1.)
6443-X	DOT-E 6443	Montana Sulphur & Chemical Co., Billings, MT.	49 CFR 173.315(a)(1)	To authorize use of DOT Specification MC-331 insulated cargo tanks not presently authorized, for transportation of a flammable gas. (Mode 1.)
6530-P	DOT-E 6530	Linde Puerto Rico, Inc., Gurabo, PR.	49 CFR 173.302(c)	To become a party to exemption 6530. Modes 1, 2.)
6530-P	DOT-E 6530	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.302(c)	To become a party to exemption 6530. Modes 1, 2.)
6530-P	DOT-E 6530	Linde Gases of the West Oakland, CA.	49 CFR 173.302(c)	To become a party to exemption 6530. Modes 1, 2.)
6530-P	DOT-E 6530	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.302(c)	To become a party to exemption 6530. Modes 1, 2.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6530-P	DOT-E 6530	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.302(c)	To become a party to exemption 6530. Modes 1, 2.)
6530-P	DOT-E 6530	UNIGAS, Inc., Ponce, PR	49 CFR 173.302(c)	To become a party to exemption 6530. Modes 1, 2.)
6530-P	DOT-E 6530	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.302(c)	To become a party to exemption 6530. Modes 1, 2.)
6530-P	DOT-E 6530	Linde Gases of The Midwest, Inc., Hillside, IL.	49 CFR 173.302(c)	To become a party to exemption 6530. Modes 1, 2.)
6530-P	DOT-E 6530	Linde Gases of The Great Lakes, Inc., Cleveland, OH.	49 CFR 173.302(c)	To become a party to exemption 6530. Modes 1, 2.)
6530-P	DOT-E 6530	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.302(c)	To become a party to exemption 6530. Modes 1, 2.)
6530-P	DOT-E 6530	Linde Gases of The Southeast, Inc., Wilmington, NC.	49 CFR 173.302(c)	To become a party to exemption 6530. Modes 1, 2.)
6530-P	DOT-E 6530	GenEx, Ltd., Des Moines, IA	49 CFR 173.302(c)	To become a party to exemption 6530. Modes 1, 2.)
6530-P	DOT-E 6530	Linde Gases of the South Houston, TX.	49 CFR 173.302(c)	To become a party to exemption 6530. Modes 1, 2.)
6557-X	DOT-E 6557	U.S. Department of Defense, Falls Church, VA.	49 CFR 175.3, 178.36-4(c), 178.37-4(c), 178.50-4(c).	To authorize deviation from the requirements of the inspector's report for DOT Specification 3A, 3AA and 4B cylinders. Modes 1, 2, 3, 4, and 5.)
6557-X	DOT-E 6557	General Fire Exginguisher Corp., Northbrook, IL.	49 CFR 175.3, 178.36-4(c), 178.37-4(c), 178.50-4(c).	To authorize deviation from the requirements of the inspector's report for DOT Specification 3A, 3AA and 4B cylinders. (Modes 1, 2, 3, 4, and 5.)
6614-X	DOT-E 6614	Cellasto Plastics Corp., Marshall, MI.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	Esbro Chemical, Redwood, CA	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	Jones Chemicals, Inc., Caledonia, NY.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	Continental Chemical Co., Sacramento, CA.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	Bison Laboratories, Inc., Buffalo, NY.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	GPS Industries, City of Industry, CA	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	All Pure Chemical Co., Tracy, CA	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	Arco Industries, Inc., Milwaukee, WI.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6626-X	DOT-E 6626	Messer Griesheim Industries, Inc., Valley Forge, PA.	49 CFR 173.34(e)(15)(i), 173.34(e)(15)(v), 175.3.	To authorize use of DOT Specification 3A or 3AA cylinders and cylinders marked ICC-3, 3A or 3AA, for shipment of certain compressed gases. (Modes 1, 2, 3, 4, and 5.)
6658-X	DOT-E 6658	U.S. Department of Energy, Washington, DC.	49 CFR 173.65	To authorize use of a non-DOT specification open-head steel drum, for transportation of a certain Class A explosive. (Mode 1.)
6658-X	DOT-E 6658	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.65	To authorize use of a non-DOT specification open-head steel drum, for transportation of a certain Class A explosive. (Mode 1.)
6686-X	DOT-E 6686	Chilton Metal Products Division, Chilton, WI.	49 CFR 173.304, 178.65	To authorize use of a modified DOT Specification 39 steel cylinder, for transportation of a certain flammable gas. (Modes 1, and 2).
6691-P	DOT-E 6691	Linde Puerto Rico, Inc., Gurabo, PR.	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4, and 5.)
6691-P	DOT-E 6691	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4, and 5.)
6691-P	DOT-E 6691	Linde Gases of The West, Oakland, CA.	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4, and 5.)
6691-P	DOT-E 6691	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4, and 5.)
6691-P	DOT-E 6691	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4, and 5.)
6691-P	DOT-E 6691	UNIGAS, Inc., Ponce, PR	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4, and 5.)
6691-P	DOT-E 6691	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4, and 5.)
6691-P	DOT-E 6691	Linde Gases of the Midwest, Inc., Hillside, IL.	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4, and 5.)
6691-P	DOT-E 6691	Linde Gases of the Great Lakes, Inc., Cleveland, OH.	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4, and 5.)
6691-P	DOT-E 6691	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4, and 5.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6691-P	DOT-E 6691	Linde Gases of the Southeast, Inc., Wilmington, NC.	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4, and 5.)
6691-P	DOT-E 6691	GenEx, Ltd., Des Moines, IA	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4, and 5.)
6691-P	DOT-E 6691	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4, and 5.)
6695-P	DOT-E6695	Atochem Inc., Chemical Division, Glen Rock, NJ.	49 CFR 173.315	To become a party to exemption 6695. (Modes 1, 2, and 3.)
6752-X	DOT-E 6752	Pennwalt Corp., King of Prussia, PA.	49 CFR 173.301(d)(3), 173.304(a)(2).	To authorize use of DOT Speicification 3A, 3AA, 3AX, 3AAX or 3T cylinders to form part of a tube trailer or tube bank, for transportaiotn of a liquefied flammable compressed gas. (Modes 1, 2, and 3.)
6752-X	DOT-E 6752	ATOCHEM, Inc., Paris, France	49 CFR 173.301(d)(3), 173.304(a)(2).	To authorize use of DOT Specification 3A, 3AA, 3AX, 3AAX or 3T cylinders to form part of a tube trailer or tube bank, for transportation of a liquefied flammable compressed gas. (Modes 1, 2, and 3.)
6752-X	DOT-E 6752	3M Transportation Co., St. Paul, MN.	49 CFR 173.301(d)(3), 173.304(a)(2).	To authorize use of DOT Specification 3A, 3AA, 3AX, 3AAX or 3T cylinders to form part of a tube trailer or tube bank, for transportation of a liquefied flammable compressed gas. (Modes 1, 2, and 3.)
6762-X	DOT-E 6762	The DuBois Co., Sharonville, OH	49 CFR 173.286(b)(2), 175.3	To authorize the transport of chemical kits in plastic inside packagings and fiberboard outside packagings. (Modes 1, 2, 3, and 4.)
6765-P	DOT-E 6765	Iwatani International Corp., Tokyo, Japan.	49 CFR 173.318(a), 176.76(h)(4)	To become a party to exemption 6765. (Modes 1, 3.)
6765-P	DOT-E 6765	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.318(a), 176.76(h)(4)	To become a party to exemption 6765. (Modes 1, 3.)
6765-P	DOT-E 6765	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.318(a), 176.76(h)(4)	To become a party to exemption 6765. (Modes 1, 3.)
6765-P	DOT-E 6765	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.318(a), 176.76(h)(4)	To become a party to exemption 6765. (Modes 1, 3.)
6773-X	DOT-E 6773	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.314(c)	To authorize shipment of a flammable compressed gas, in a DOT Specification 105A600W tank car. (Mode 2.)
6805-P	DOT-E 6805	Union Carbide Industiral Gases, Inc., Danbury, CT.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805. (Mode 1.)
6805-P	DOT-E 6805	Linde Gases of The West, Oakland, CA.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805. (Mode 1.)
6805-P	DOT-E 6805	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805. (Mode 1.)
6805-P	DOT-E 6805	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805. (Mode 1.)
6805-P	DOT-E 6805	UNIGAS, Inc., Ponce, PR	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805. (Mode 1.)
6805-P	DOT-E 6805	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805. (Mode 1.)
6805-P	DOT-E 6805	Linde Gases of The Midwest, Inc., Hillside, IL.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805. (Mode 1.)
6805-P	DOT-E 6805	Linde Gases of The Great Lakes, Inc., Cleveland, OH.	49CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805. (Mode 1.)
6805-P	DOT-E 6805	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805. (Mode 1.)
6805-P	DOT-E 6805	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805. (Mode 1.)
6824-X	DOT-E 6824	Bio-Lab, Inc., Decatur, GA	49 CFR 173.154, 173.217(a)	To authorize packagings not provided for in the Hazardous Materials Regulations, for shipment of certain oxidizing materials. (Modes 1, 2, 3.)
6932-P	DOT-E 6932	Atochem Inc., Chemical Division, Glen Rock, NJ.	49 CFR 173.264(b)(4)	To become a party to exemption 6932. (Modes 1, 3.)
6971-X	DOT-E 6971	Chem Service, Inc., West Chester, PA.	49 CFR Parts 100-199	To authorize an alternative method of packaging for re-shippers who are returning the material to the holder of the exemption. (Modes 1, 2, 3, 4, and 5.)
7007-X	DOT-E 7007	Allied Universal Corp., Miami, FL	49 CFR 173.314(c), 179.3	To authorize shipment of chlorine in non-DOT specification multi-unit tank car tanks made in accordance with DOT Specification 110A500W. (Modes 1, 3.)
7052-P	DOT-E 7052	Trimble Navigation, Limited, Sunnyvalle, CA.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E7052	DC Battery Products, St. Paul, MN	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	GE Reuter-Stokes, Twinsburg, OH	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Wood Group Wireline Products, Inc., Fort Worth, TX.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Tracor Aerospace, Inc., Austin, TX	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Aquatronics, Hadlock, WA	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	GE Aerospace, Philadelphia, PA	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	TDW Pipeline Surveys, Tulsa, OK	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (Modes 1, 2, 3, and 4.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7052-P	DOT-E 7052	Delta Environmental consultants, Inc., Tampa, FL.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (Modes 1, 2, 3, and 4.)
752-P	DOT-E 7052	The Bob Fournet Co., Lafayette, LA.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (Modes 1, 2, 3, and 4.)
7060-P	DOT-E 7060	Federal Express Corp., Memphis, TN.	49 CFR 175.702(b),175.75(a)(3)(ii)	To authorize carriage of non-fissile radioactive materials aboard cargo only aircraft when the combined transport index exceeds the usual authorized limits specified in Part 175 or the separation distance criteria cannot be met. (Mode 4.)
7063-X	DOT-E 7063	Twin Lake Chemical Co., Lockport, NY.	49 CFR 173.191(a)	To authorize use of a removable-head polyethylene container meeting all requirements of DOT Specification 35 (maximum gross weight 65 pounds), to transport a corrosive material. (Modes 1, 2, and 3.)
7071-X	DOT-E 7071	Clayton Chemical Co., Los Angeles, CA.	49 CFR 172.101, 173.245, 175.3	To authorize shipment of a certain corrosive liquid, in non-DOT specification polyethylene bottles overpacked in a non-DOT specification single-wall fiberboard box, or DOT Specification 20 polyethylene containers overpacked in a DOT Specification 12P fiberboard box. (Modes 1, 2, 3, and 4.)
7071-X	DOT-E 7071	Olin Hunt Specialty Products Corp., West Paterson, NJ.	49 CFR 172.101, 173.245, 175.3	To authorize shipment of a certain corrosive liquid, in non-DOT specification polyethylene bottles overpacked in a non-DOT specification single-wall fiberboard box, or DOT Specification 2U polyethylene containers overpacked in a DOT Specification 12P fiberboard box. (Modes 1, 2, 3, and 4.)
7252-X	DOT-E 7252	Explosives Technologies International, Wilmington, DE.	49 CFR 173.93	To authorize transport of Pourvex Extra and Tovex Extra in DOT Specification 17H metal drums. (Modes 1, 3.)
7268-P	DOT-E 7268	Linde Puerto Rico, Inc., Gurabo, PR.	49 CFR 173.304(a)(1)	To become a party to exemption 7268. (Modes 1, 2, and 3.)
7268-P	DOT-E 7268	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.304(a)(1)	To become a party to exemption 7268. (Modes 1, 2, and 3.)
7268-P	DOT-E 7268	Linde Gases of The West, Oakland, CA.	49 CFR 173.304(a)(1)	To become a party to exemption 7268. (Modes 1, 2, and 3.)
7268-P	DOT-E 7268	Linde Gases of The Southeast, Inc., Wilmington, DC.	49 CFR 173.304(a)(1)	To become a party to exemption 7268. (Modes 1, 2, and 3.)
7268-P	DOT-E 7268	UNIGAS, Inc., Ponce, PR	49 CFR 173.304(a)(1)	To become a party to exemption 7268. (Modes 1, 2, and 3.)
7268-P	DOT-E 7268	Linde Gases of The Midwest, Inc., Hillside, IL.	49 CFR 173.304(a)(1)	To become a party to exemption 7268. (Modes 1, 2, and 3.)
7268-P	DOT-E 7268	Linde Gases of The Great Lakes, Inc., Cleveland, OH.	49 CFR 173.304(a)(1)	To become a party to exemption 7268. (Modes 1, 2, and 3.)
7268-P	DOT-E 7268	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.304(a)(1)	To become a party to exemption 7268. (Modes 1, 2, and 3.)
7268-P	DOT-E 7268	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.304(a)(1)	To become a party to exemption 7268. (Modes 1, 2, and 3.)
7268-P	DOT-E 7268	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.304(a)(1)	To become a party to exemption 7268. (Modes 1, 2, and 3.)
7268-P	DOT-E 7268	Linde Gases of The South, Inc., Houston, TX.	49 CFR 173.304(a)(1)	To become a party to exemption 7268. (Modes 1, 2, and 3.)
7274-P	DOT-E 7274	Linde Puerto Rico, Inc., Gurabo, PR.	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To become a party to exemption 7274. (Mode 3.)
7274-P	DOT-E 7274	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To become a party to exemption 7274. (Mode 3.)
7274-P	DOT-E 7274	UNIGAS, Inc., Ponce, PR	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To become a party to exemption 7274. (Mode 3.)
7274-P	DOT-E 7274	Linde Gases of The Midwest, Inc., Hillside, IL.	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To become a party to exemption 7274. (Mode 3.)
7274-P	DOT-E 7274	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To become a party to exemption 7274. (Mode 3.)
7274-P	DOT-E 7274	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To become a party to exemption 7274. (Mode 3.)
7274-P	DOT-E 7274	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To become a party to exemption 7274. (Mode 3.)
7274-P	DOT-E 7274	Linde Gases of The South, Inc., Houston, TX.	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To become a party to exemption 7274. (Mode 3.)
7285-P	DOT-E 7285	Atochem Inc., Chemical Division, Glen Rock, NJ.	49 CFR 173.315(a)	To become a party to exemption 7285. (Modes 1, 2, and 3.)
7286-X	DOT-E 7286	Liquid Carbonic Specialty Gas Corp., Chicago, IL.	49 CFR 173.34(e)(15)(i)	To authorize shipment of certain nonliquefied compressed gases in DOT Specification 3A or 3AA cylinders and cylinders marked ICC-3, 3A or 3AA. (Modes 1, 2, 3, 4, and 5.)
7413-X	DOT-E 7413	Chilton Metal Products Division, Chilton, WI.	49 CFR 173.302(a), 173.304(a)(1), 175.3, 178.42.	to authorize transport of carbon dioxide or nitrogen, and compressed air in a non-DOT specification brazed steel cylinder. (Modes 1, 2, 3, 4, and 5.)
7451-P	DOT-E 7451	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.304, 173.315	To become a party to exemption 7451. (Modes 1, 3.)
7451-P	DOT-E 7451	Linde Gases of The Midwest, Inc., Hillside, IL.	49 CFR 173.304, 173.315	To become a party to exemption 7451. (Modes 1, 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7451-P	DOT-E 7451	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.304, 173.315	To become a party to exemption 7451. (Modes 1, 3.)
7451-P	DOT-E 7451	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.304, 173.315	To become a party to exemption 7451. (Modes 1, 3.)
7451-X	DOT-E 7451	Union Carbide Corp., Danbury, CT	49 CFR 173.304, 173.315	To authorize use of Non-DOT specification pressure vessels, for transportation of a non flammable gas. (Modes 1, 3.)
7451-P	DOT-E 7451	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.304, 173.315	To become a party to exemption 7451. (Modes 1, 3.)
7495-X	DOT-E 7495	Ethyl Corp., Baton Rouge, LA	49 CFR 173.315(a)(1), 173.353, 174.63(b).	To authorize extension of the periodic retest and reinspection from 3 years to 5 years and replacement of the DOT MC-331 reference with DOT Specification 51. (Modes 1, 2, and 3.)
7495-X	DOT-E 7495	Ethyl Corp., Baton Rouge, LA	49 CFR 173.315(a)(1), 173.353, 174.63(b).	To authorize use of a portable tank built to DOT Specification MC-331 for transportation of chlorine, sulfur dioxide, ormethyl bromide. (Modes 1, 2, and 3.)
7526-X	DOT-E 7526	Sherex Chemical Co., Inc., Dublin, OH.	49 CFR 173.134	To authorize transport of certain pyrophoric liquids in non-DOT specification portable tanks. (Modes 1, 3.)
7526-X	DOT-E 7526	Schering AG, West Berlin, West Germany.	49 CFR 173.134	To authorize transport of certain pyrophoric liquids in non-DOT specification portable tanks. (Modes 1, 3.)
7546-X	DOT-E 7546	Grumman Aircraft Systems, Bethpage, NY.	49 CFR 173.119, 173.302(a), 173.304(a), 173.305(a), 173.34(d), 175.3.	To renew and to authorize an additional heat pipe assembly containing ammonia. (Modes 1, 2, and 4.)
7574-X	DOT-E 7574	Remmers Aviation, Inc., Burlington, IA.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appeneix B.	To authorize transport of certain Class A, B and C explosives that are not permitted for air shipment or are in quantities greater than those prescribed for shipment by air. (Mode 4.)
7605-X	DOT-E 7605	General Dynamics/Fort Worth Division, Fort Worth, TX.	49 CFR 173.101, 173.102, 173.113, 173.87, 173.92, 175.3, 176.83, 177.848.	To authorize transport of certain explosives contained in a partially dis-assembled aircraft or canopy assembly. (Modes 1, 3, and 4.)
7605-X	DOT-E 7605	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.101, 173.102, 173.113, 173.87, 173.92, 175.3, 176.83, 177.848.	To authorize transport of certain explosives contained in a partially dis-assembled aircraft or canopy assembly. (Modes 1, 3, and 4.)
7607-P	DOT-E 7607	Delta Environmental Consultants, Inc., Tampa, FL.	49 CFR 172.101, 175.3	To become a party to exemption 7607. (Modes 4, 5.)
7607-P	DOT-E 7607	Versar Inc., Springfield, VA	49 CFR 172.101, 175.3	To become a party to exemption 7607. (Modes 4, 5.)
7607-P	DOT-E 7607	Department of Health Services, Sacramento, CA.	49 CFR 172.101, 175.3	To become a party to exemption 7607. (Modes 4, 5.)
7607-P	DOT-E 7607	On-Site Instruments, Columbus, OH.	49 CFR 172.101, 175.3	To become a party to exemption 7607. (Modes 4, 5.)
7607-P	DOT-E 7607	Camp, Dresser and McKee, Chantilly, VA.	49 CFR 172.101, 175.3	To become a party to exemption 7607. (Modes 4, 5.)
7607-X	DOT-E 7607	Radian Corp., Herndon, VA	49 CFR 172.101, 175.3	To authorize shipment of hydrogen in certain non-DOT specification seamless stainless steel cylinders. (Modes 4, 5.)
7616-P	DOT-E 7616	Chicago & Northwestern Transportation Co., Chicago, IL.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To become a party to exemption 7616. (Mode 2.)
7616-X	DOT-E 7616	CSX Transportation, Inc., Jacksonville, FL.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
7616-X	DOT-E 7616	Southern Pacific Transportation Co., San Francisco, CA.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
7616-X	DOT-E 7616	Kansas City Southern Railway Co. and Subsidiaries, Kansas City, MO.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
7616-X	DOT-E 7616	Atchison, Topeka and Santa Fe Railway Co., Chicago, IL.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
7616-X	DOT-E 7616	Norfolk Southern Corp., Norfolk, VA.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
7616-X	DOT-E 7616	Chicago & Northwestern Transportation Co., Chicago, IL.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
7616-X	DOT-E 7616	Consolidated Rail Corp. (Conrail), Philadelphia, PA.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
7616-X	DOT-E 7616	Burlington Northern Railroad Co., Overland Park, KS.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
7616-X	DOT-E 7616	Soo Line Railroad Co., Milwaukee, WI.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
7616-X	DOT-E 7616	Grand Trunk Western Railroad Co., Pontiac, MI.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7625-X	DOT-E 7625	Hydrite Chemical Co., Milwaukee, WI.	49 CFR 173.245, 173.249, 173.263, 173.268, 173.272.	To authorize transport of certain hazardous materials in DOT Specification 56 portable tanks. (Mode 1.)
7628-X	DOT-E 7628	Allied-Signal Inc., Morristown, NJ	49 CFR 173.264(a)(11), 173.265(b)(3).	To authorize use of DOT Specification 111A100W-5 tank cars equipped with a safety relief valve instead of a vent, for shipment of certain corrosive liquids. (Mode 2.)
7638-X	DOT-E 7638	Minnesota Valley Engineering, Inc., New Prague, MN.	49 CFR 173.316(a), 175.3	To authorize an additional model of the exempted cylinder. (Modes 1, 2, 3, and 4.)
7657-X	DOT-E 7657	Welker Engineering Co., Sugar Land TX.	49 CFR 173.119, 173.302(a)(1), 173.304(a)(1), 173.304(b)(1), 175.3, 178.42.	To authorize manufacture, marking and sale of non-DOT specification stainless steel cylinders, for transportation of compressed gases. (Modes 1, 2, 3, and 4.)
7657-X	DOT-E 7657	Welker Engineering Co., Sugar Land, TX.	49 CFR 173.119, 173.302(a)(1), 173.304(a)(1) 173.304(b)(1), 175.3, 178.42.	To authorize manufacture, marking and sale of non-DOT specification stainless steel cylinders, for transportation of compressed gases. (Modes 1, 2, 3, and 4).)
7721-X	DOT-E 7721	Applied Companies, San Fernando, CA.	49 CFR 173.302(a)(4), 175.3	To authorize manufacture, marking and sale of non-DOT specification steel cylinders, for transportation of non-flammable, nonliquefied compressed gases. (Modes 1, 2, 4, and 5.)
7730-X	DOT-E 7730	The Western Co. of North America, Forth Worth, TX.	49 CFR 178.343-5(b)(2)(ii)	To authorize use of a DOT Specification MC-312 cargo tank, for transportation of certain corrosive materials. (Mode 1.)
7735-X	DOT-E 7735	Rheem Container Corp., Danbury, CT.	49 CFR 173.119, 173.264(a), 173.272(g), 173.346, 173.358, 173.359.	To authorize manufacture, marking and sale of DOT Specification 34 containers, for shipment of flammable liquids and corrosive materials and Class B poisonous liquids. (Modes 1, 2, and 3.)
7753-P	DOT-E 7753	FMC Corp., Philadelphia, PA	49 CFR 173.190(b)(2)	To become a party to exemption 7753 Modes 1, 2, and 3.)
7765-X	DOT-E 7765	Carleton Technologies Inc., Tampa, FL.	49 CFR 173.302(a)(4), 175.3	To authorize manufacture, marking and sale of nonrefillable, non-DOT specification pressure vessels, for transportation of compresed gases. (Mode 1, 2, and 4.)
7769-X	DOT-E 7769	Brunswick Corp./Defense Division Lincoln, NE.	49 CFR 173.302(a)(1), 175.3	To authorize manufacture, marking and sale of non-DOT Specification fiber reinforced plastic full composite cylinder, for transportation of certain nonflammable compressed gas. (Modes 1, 2, 3, 4, and 5.)
7774-X	DOT-E 7774	Pipe Recovery Systems, Inc., Houston, TX.	49 CFR 173.246, 175.3	To Authorize shipment of bromine trifluoride in non-DOT specification cylinders. (Modes 1, 2, and 4.)
7777-X	DOT-E 7777	Lang Engineering Co., Inc., Rochester, WI.	49 CFR 173.248	To authorize use of DOT Specification 34 polyethylene containers, DOT Specification 12B or 12P corrugated fiberboard boxes, or DOT Specification 6D or 37M cylindrical steel overspacked with an inside Specification 2SL polyethylene containers, for shipment of spent sulfuric acid. (Modes 1, 2, and 3.)
7811-X	DOT-E 7811	EM Science, Cincinnati, OH	49 CFR 173.119(a)(23), 173.125, 173.245(a)(18) 173.346(a)(21), 173.347(a)(8), 175.3, 178.210.	To authorize shipment of various alcohols (173.125) and to permit staples to be used as a method of closure for fiberboard box used as overpack. (Modes 1, 2, 3 and 4.)
7823-P	DOT-E 7823	Marubeni Corp., Tokyo, Japan	49 CFR 173.246	To become a party to exemption 7823. (Modes 1, 2, and 3.)
7834-X	DOT-E 7834	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.306(b)(4), 175.3	To authorize transport of nonliquefied sulfur hexafluoride in certain X-ray machines, overpacked in strong wooden or fiberboard boxes. (Modes 1, 2, 3, 4, and 5.)
7835-X	DOT-E 7835	Big Three Management Services, Inc., Houston, TX.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of cylinders bearing the flammable gas lable, the oxidizer label, the flammable liquid label, the corrosive label or the poison gas label and tank car tanks bearing the poison gas label on the same motor vehicle. (Mode 1.)
7835-P	DOT-E 7835	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 177.848, Part 107 Appen. B(1).	To become a party to exemption 7835. (Mode 1.)
7835-P	DOT-E 7835	Linde Gases of The West, Oakland, CA.	49 CFR 177.848, Part 107 Appen. B(1).	To become a party to exemption 7835. (Mode 1.)
7835-X	DOT-E 7835	Wilson Oxygen and Supply, Inc., Austin, TX.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of cylinders bearing the flammable gas label, the oxidizer label, the flammable liquid label, the corrosive label or the poison gas label and tank car tanks bearing the poison gas label on the same motor vehicle. (Mode 1.)
7835-P	DOT-E 7835	Linde Gases of Florida, Inc., Tapa, FL.	49 CFR 177.848, Part 107 Appen. B(1).	To become a party to exemption 7835. (Mode 1.)
7835-P	DOT-E 7835	UNIGAS, Inc., Ponce, PR	49 CFR 177.848, Part 107 Appen. B(1).	To become a party to exemption 7835. (Mode 1.)
7835-P	DOT-E 7835	Linde Gases of The Midwest, Inc., Hillside, IL.	49 CFR 177.848, Part 107 Appen. B(1).	To become a party to exemption 7835. (Mode 1.)
7835-P	DOT-E 7835	Linde Gases of The Great Lakes, Inc., Cleveland, OH.	49 CFR 177.848, Part 107 Appen. B(1).	To become a party to exemption 7835. (Mode 1.)
7835-P	DOT-E 7835	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 177.848, Part 107 Appen. B(1).	To become a party to exemption 7835. (Mode 1.)
7835-P	DOT-E 7835	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 177.848, Part 107 Appen. B(1).	To become a party to exemption 7835. (Mode 1.)
7835-P	DOT-E 7835	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 177.848, Part 107 Appen. B(1).	To become a party to exemption 7835. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
1835-X	DOT-E 7835	Airco, The Boc Group, Inc., Murray Hill, NJ.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of cylinders bearing the flammable gas label, the oxidizer label, the flammable liquid label, the corrosive label or the poison gas label and tank car tanks bearing the poison gas label on the same motor vehicle. (Mode 1.)
7835-X	DOT-E 7835	General Air Service & Supply, Denver, CO.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of cylinders bearing the flammable gas label, the oxidizer label, the flammable liquid label, the corrosive label or the poison gas label and tank car tanks bearing the poison gas label on the same motor vehicle. (Mode 1.)
7835-P	DOT-E 7835	GenEx, Ltd., Des Moines, IA	49 CFR 177.848, Part 107 Appen. B(1).	To become a party to exemption 7835. (Mode 1.)
7835-P	DOT-E 7835	Linde Gases of the South, Inc., Houston, TX.	49 CFR 177.848, Part 107 Appen. B(1).	To become a party to exemption 7835. (Mode 1.)
7835-X	DOT-E 7835	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 117.848, Part 107 Appen. B(1).	To authorize transport of cylinders bearing the flammable gas label, the oxidizer label, the flammable liquid label, the corrosive label or the poison gas label and tank car tanks bearing the poison gas label on the same motor vehicle. (Mode 1.)
7835-X	DOT-E 7835	Solkatronic Chemicals, Inc., Fairfield, NJ.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of cylinders bearing the flammable gas label, the oxidizer label, the flammable liquid label, the corrosive label or the poison gas label and tank car tanks bearing the poison gas label on the same motor vehicle. (Mode 1.)
7835-X	DOT-E 7835	Scott Speciality Gases, Plumsteadville, PA.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of cylinders bearing the flammable gas label, the oxidizer label, the flammable liquid label, the corrosive label or the poison gas label and tank car tanks bearing the poison gas label on the same motor vehicle. (Mode 1.)
7835-P	DOT-E 7835	Industrial Gas Products and Supply, Inc., Colorado Springs, CO.	49 CFR 177.848, Part 107 Appen. B(1).	To become a party to exemption 7835. (Mode 1.)
7835-X	DOT-E 7835	Liquid Carbonic Specialty Gas Corp., Chicago, IL.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of cylinders bearing the flammable gas label, the oxidizer label, the flammable liquid label, the corrosive label or the poison gas label and tank car tanks bearing the poison gas label on the same motor vehicle. (Mode 1.)
7835-X	DOT-E 7835	Matheson Gas Products, Inc., Secaucus, NJ.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of cylinders bearing the flammable gas label, the oxidizer label, the flammable liquid label, the corrosive label or the poison gas label and tank car tanks bearing the poison gas label on the same motor vehicle. (Mode 1.)
7835-X	DOT-E 7835	American Welding Supply, San Jose, CA.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of cylinders bearing the flammable gas label, the oxidizer label, the flammable liquid label, the corrosive label or the poison gas label and tank car tanks bearing the poison gas label on the same motor vehicle. (Mode 1.)
7846-P	DOT-E 7846	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.314(c)	To become a party to exemption 7846. (Modes 1, 3.)
7846-P	DOT-E 7846	Linde Gases of The West, Oakland, CA.	49 CFR 173.314(c)	To become a party to exemption 7846. (Modes 1 3.)
7846-P	DOT-E 7846	UNIGAS, Inc., Ponce,PR	49 CFR 173.314(c)	To become a party to exemption 7846. (Modes 1, 3.)
7846-P	DOT-E 7846	Linde Gases of The Midwest, Inc., Hillside, IL.	49 CFR 173.314(c)	To become a party to exemption 7846. (Modes 1, 3.)
7846-P	DOT-E 7846	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.314(c)	To become a party to exemption 7846. (Modes 1, 3.)
7846-P	DOT-E 7846	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.314(c)	To become a party to exemption 7846. (Modes 1, 3.)
7846-P	DOT-E 7846	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.314(c)	To become a party to exemption 7846. (Modes 1, 3.)
7846-P	DOT-E 7846	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.314(c)	To become a party to exemption 7846. (Modes 1, 3.)
7862-X	DOT-E 7862	General Electric Co., Milwaukee, WI.	49 CFR 173.302, 175.3	To authorize use of non-DOT specification aluminum, single trip, inside containers, for transportation of a nonflammable gas. (Modes 1, 4, and 5.)
7879-P	DOT-E 7879	Halliburton Logging Services, Inc., Fort Worth, TX.	49 CFR 173.246, 175.3, 178.42	To become a party to exemption 7879. (Modes 1, 2, 3, and 4.)
7879-X	DOT-E 7879	Gearhart Industries, Inc., Fort Worth, TX.	49 CFR 173.246, 175.3, 178.42	To authorize shipment of bromine trifluoride, in non-DOT specification seamless cylinders. (Modes 1, 2, 3, and 4.)
7886-X	DOT-E 7886	W. M. Barr & Co. Inc., Memphis, TN.	49 CFR 173.245, 178.210	To authorize shipment of a corrosive liquid, in non-DOT specification metal can/fiberboard box packaging. (Modes 1, 3.)
7969-X	DOT-E 7969	Crosby & Overton, Inc., Long Beach, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize transport of certain waste hazardous materials in non-DOT specification single compartment cargo tanks similar to DOT Specification 307/312 except for bottom outlet and circumferential reinforcement. (Mode 1.)
7991-P	DOT-E 7991	Norfolk and Western Railway Co., Roanoke, VA.	49 CFR Parts 100-177	To become a party to exemption 7991. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7991-P	DOT-E 7991	Southern Railway Co., Roanoke, VA.	49 CFR Parts 100-177	TO become a party to exemption 7991. (Mode 1.)
8008-X	DOT-E 8008	Wheaton Aerosols Co., Mays Landing, NJ.	49 CFR 173.1200, 173.305, 173.306(a), 175.3.	To authorize manufacture, marking and sale of non-DOT specification aerosol container consisting of a glass bottle externally coated with plastic, for shipment of compressed gases. (Modes 1, 2, 3, and 4.)
8009-X	DOT-E 8009	CP Industries, Inc., McKeesport, PA.	49 CFR 173.301(d)(2), 173.302(a)(3).	To authorize an increase in the maximum hardness value from HB262 to HB269 for the exempted packaging when hardness tested. (Mode 1.)
8009-X	DOT-E 8009	Pressure Transport, Inc., Austin, TX.	49 CFR 173.301(d)(2), 173.302(a)(3).	To authorize use of DOT Specification 3AAX cylinders made of 4130X steel, for transportation of a compressed natural gas. (Mode 1.)
8009-P	DOT-E 8009	Horizon Energy Resources, Inc., Orlando, FL.	49 CFR 173.301(d)(2), 173.302(a)(3).	To become a party to exemption 8009. (Mode 1.)
8013-P	DOT-E 8013	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.302, 173.304, 175.3	To become a party to exemption 8013. (Modes 1, 4, and 5.)
8013-P	DOT-E 8013	Linde Gases of The West, Oakland, CA.	49 CFR 173.302, 173.304, 175.3	To become a party to exemption 8013. (Modes 1, 4, and 5.)
8013-P	DOT-E 8013	Linde Gases of The Midwest, Inc., Hillside, IL.	49 CFR 173.302, 173.304, 175.3	To become a party to exemption 8013. (Modes 1, 4, and 5.)
8013-P	DOT-E 8013	Linde Gases of The Southeast, Inc., Wilmington, DE.	49 CFR 173.302, 173.304, 175.3	To become a party to exemption 8013. (Modes 1, 4, and 5.)
8013-P	DOT-E 8013	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.302, 173.304, 175.3	To become a party to exemption 8013. (Modes 1, 4, and 5.)
8013-P	DOT-E 8013	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.302, 173.304, 175.3	To become a party to exemption 8013. (Modes 1, 4 and 5.)
8013-P	DOT-E 8013	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.302, 173.304, 175.3	To become a party to exemption 8013. (Modes 1, 4, and 5.)
8013-P	DOT-E 8013	Linde Gases of The Great Lakes, Inc., Cleveland, OH.	49 CFR 173.302, 173.304, 175.3	To become a party to exemption 8013. (Modes 1, 4, and 5.)
8013-P	DOT-E 8013	UNIGAS, Inc., Ponce, PR	49 CFR 173.302, 173.304, 175.3	To become a party to exemption 8013. (Modes 1, 4, and 5.)
8013-P	DOT-E 8013	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.302, 173.304, 175.3	To become a party to exemption 8013. (Modes 1, 4, and 5.)
8013-P	DOT-E 8013	Linde Gases of South Houston, TX	49 CFR 173.302, 173.304, 175.3	To become a party to exemption 8013. (Modes 1, 4, and 5.)
8080-X	DOT-E 8080	Occidential Chemical Corp., Dallas, TX.	49 CFR 173.164	To authorize renewal and an alternative sparger pipe system for the tank car tanks. (Mode 2.)
8084-X	DOT-E 8084	IRECO, Inc., Salt Lake City, UT	49 CFR 173.65(a)(5)	To authorize an additional packaging for shipment of High explosive, Class A explosive. (Modes 1, 2, and 3.)
8084-X	DOT-E 8084	IRECO, Inc., Salt Lake City, UT	49 CFR 173.65(a)(5)	Approval for an alternative packaging; identified as "Tovex T-1 Coils", a 50 foot long, 7/8 inch diameter tube overpacked in outside packaging prescribed in 173.65 (a)(1) and (a)(2). (Modes 1, 2, and 3.)
8084-X	DOT-E 8084	Austin Powder Co., Cleveland, OH	49 CFR 173.65(a)(5)	Approval for an alternative packaging; identified as "Tovex T-1 Coils", a 50 foot long, 7/8 inch diameter tube overpacked in outside packaging prescribed in 173.65 (a)(1) and (a)(2). (Modes 1, 2, and 3.)
8084-X	DOT-E 8084	ETI Explosives Technologies International, Inc., Wilmington, DE.	49 CFR 173.65(a)(5)	Approval for an alternative packaging; identified as "Tovex T-1 Coils", a 50 foot long, 7/8 inch diameter tube overpacked in outside packaging prescribed in § 173.65 (a)(1) and (a)(2). (Modes 1, 2, and 3.)
8086-X	DOT-E 8086	U.S. Department of Defense, Falls Church, VA.	49 CFR 172.101, 172.102, 172.301, 173.118(b), 173.119, 173.206, 173.87.	To authorize transport of a cruise missile containing hazardous materials, outside packaging must be a wooden box. (Mode 1.)
8086-X	DOT-E 8086	Boeing Aerospace, Seattle, WA	49 CFR 172.101, 172.102, 172.301, 173.118(b), 173.119, 173.206, 173.87.	To authorize transport of a cruise missile containing hazardous materials. (Mode 1.)
8091-P	DOT-E 8091	AT&T Information Systems Inc., Greensboro, NC.	49 CFR Parts 100-177	To become a party to exemption 8091. (Modes 4, 5.)
8096-X	DOT-E 8096	Pressure Pak Container, Inc., East Hampton, CT.	49 CFR 173.302(a)(1), 175.3, 178.42.	To authorize manufacture, marking and sale of non-DOT specification steel cylinders, made in compliance with DOT Specification 3E, for shipment of certain flammable and nonflammable gases. (Modes 1, 2, 3, 4, and 5.)
8099-X	DOT-E 8099	Rhone-Poulenc Ag Co., Research Triangle Park, NC.	49 CFR 173.365(a)(15)	To authorize use of non-DOT specification corrugated fiberboard boxes with an inner heat-sealed bag, for transportation of poisonous solids. (Modes 1, 2, and 3.)
8115-X	DOT-E 8115	Acurex Corp., Mountain View, CA	49 CFR 173.302(a)(1), 173.304(a), 173.304(d), 175.3.	To authorize manufacture, marking and sale of non-DOT specification fiber reinforced plastic hoop wrapped cylinder, for transportation of certain nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
8151-X	DOT-E 8151	Ropak West, Inc., La Mirada, CA	49 CFR 178.19, Part 173, Subparts D, F.	To authorize shipment of liquid hazardous materials, in non-DOT specification removable head polyethylene drums. (Modes, 1, 2, and 3.)
8156-P	DOT-E 8156	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to exemption 8156. (Modes 1, 2.)
8156-P	DOT-E 8156	Linde Gases of The West, Oakland, CA.	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to exemption 8156. (Modes 1, 2.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8156-P	DOT-E 8156	Linde Gases of The Midwest, Inc., Hillside, IL.	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to exemption 8156. (Modes 1, 2.)
8156-P	DOT-E 8156	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to exemption 8156. (Modes 1, 2.)
8156-P	DOT-E 8156	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to exemption 8156. (Modes 1, 2.)
8156-P	DOT-E 8156	Linde Gases of The Great Lakes, Inc., Cleveland, OH.	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to exemption 8156. (Modes 1, 2.)
8156-P	DOT-E 8156	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to exemption 8156. (Modes 1, 2.)
8156-P	DOT-E 8156	GenEx, Ltd., Des Moines, IA	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to exemption 8156. (Modes 1, 2.)
8156-P	DOT-E 8156	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to exemption 8156. (Modes 1, 2.)
8168-X	DOT-E 8168	Container Corp. of America/Plastics Division, Wilmington, DE.	49 CFR Part 173, Subparts E, F, H...	To authorize manufacture, marking and sale of non-DOT specification fully removable head polyethylene drums, for shipment of certain corrosive solids and solid oxidizers. (Modes 1, 2, and 3.)
8178-X	DOT-E 8178	National Aeronautics and Space Administration, Washington, DC.	49 CFR 173.302(a), 173.34(d), 175.3.	To authorize use of a non-DOT specification cylinder, for a compressed nonliquefied gas. (Modes 1, 4.)
8184-X	DOT-E 8184	Trojan Corp., Spanish Fork, UT	49 CFR 173.65	To authorize transport of flake trinitrotoluene in non-DOT specification composite bags. (Modes 1, 2, and 3.)
8184-X	DOT-E 8184	Austin Powder Co., Cleveland, OH	49 CFR 173.65	To authorize transport of flake trinitrotoluene in non-DOT specification composite bags. (Modes 1, 2, and 3.)
8196-X	DOT-E 8196	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.119, 173.315(a), 178.245.	To authorize use of a non-DOT IMO Type 5 specification portable tank, for transportation of certain compressed gases. (Modes 1, 2, and 3.)
8196-X	DOT-E 8196	Eurotainer, USA Inc., 75008 Paris, France.	49 CFR 173.119, 173.315(a), 178.245.	To authorize use of a non-DOT IMO Type 5 specification portable tank, for transportation of certain compressed gases. (Modes 1, 2, and 3.)
8196-X	DOT-E 8196	GCS Container Service, SA Chiasso, Switzerland.	49 CFR 173.119, 173.315(a), 178.245.	To authorize use of a non-DOT IMO Type 5 specification portable tank, for transportation of certain compressed gases. (Modes 1, 2, and 3.)
8214-X	DOT-E 8214	Mercedes-Benz of North America, Inc., Montvale, NJ.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize a new packaging arrangement for shipment of inflators and modules for passive restraint systems. (Modes 1, 2, 3, and 4.)
8214-P	DOT-E 8214	Allied-Signal, Inc./Bendix safety Restraints Div., Knoxville, TN.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8214. (Modes 1, 2, 3, and 4.)
8214-P	DOT-E 8214	Nissan Motor Corp., in U.S.A., Gardena, CA.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8214. (Modes 1, 2, 3, and 4.)
8214-P	DOT-E 8214	Toyota Motor Corp., Torrance, CA	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8214. (Modes 1, 2, 3, and 4.)
8214-X	DOT-E 8214	Morton Thiokol, Inc., Ogden, UT	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To modify packaging to allow a void area at the base and increase the weight by 1½ inches. (Modes 1, 2, 3, and 4.)
8214-X	DOT-E 8214	Morton Thiokol, Inc., Ogden, UT	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, and 4.)
8214-X	DOT-E 8214	Mercedes-Benz of North America, Inc., Montvale, NJ.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, and 4.)
8214-P	DOT-E 8214	Saab-Scania of America, Inc., Orange, CT.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8214. (Modes 1, 2, 3, and 4.)
8214-X	DOT-E 8214	Chrysler Motors Corp., Center Line, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, and 4.)
8220-X	DOT-E 8220	Applied Companies, San Fernando, CA.	49 CFR 173.320(a), 175.3	To authorize use of non-DOT specification girth welded steel cylinders, for transporation of nonflammable compressed gases, by aircraft and military weapons systems use only. (Modes 1, 2, and 4.)
8221-X	DOT-E 8221	Applied Companies, San Fernando, CA.	49 CFR 173.302(a), 175.3	To authorize use of non-DOT specification high pressure cylinders of welded construction for military missile systems only. (Modes 1, 2, and 4.)
8228-X	DOT-E 8228	U.S. Department of Treasury (BATF), Washington, DC.	49 CFR 173.100(bb), 173.113(a)(1), 173.86.	To authorize transport of packages containing not in excess of 35 grams of one type of explosive material or one explosive device, not exceeding 35 grams, in a pasteboard carton packed in a DOT Specification 12H fiberboard box or a non-DOT specification corrugated fiberboard box. (Mode 1.)
8230-X	DOT-E 8230	G. Frederick Smith Chemical Co., Columbus, OH.	49 CFR 173.268(b)(6), 173.269(a)(4).	To authorize shipment of certain oxidizers, in non-DOT specification inside containers packed in DOT Specification 33A single bottle case. (Modes 1, 2, 3, and 4.)
8232-X	DOT-E 8232	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.123(a), 173.315	To authorize use of a non-DOT specification portable tank, for transportation of certain compressed gases and a flammable liquid. (Modes 1, 2, and 3.)
8232-X	DOT-E 8232	Eurotainer, US Inc., 75008 Paris, France.	49 CFR 173.123(a), 173.315	To authorize use of a non-DOT specification portable tank, for transportation of certain compressed gases and a flammable liquid. (Modes 1, 2, and 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8232-X	DOT-E 8232	GCS Container Service, SA, Chiasso, Switzerland.	49 CFR 173.123(a), 173.315	To authorize use of a non-DOT specification portable tank, for transportation of certain compressed gases and a flammable liquid. (Modes 1, 2, and 3.)
8273-P	DOT-E 8273	Ford Motor Co., World Headquarters, Dearborn, MI.	49 CFR 171.11 (see paragraph 8.d), 173.153, 173.154, 175.3.	To become a party to exemption 8273. (Modes 1, 2, 3, and 4.)
8273-X	DOT-E 8273	TRW Vehicle Safety Systems, Washington, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize an alternative packaging method and an increase in the quantity of igniter composition to 1 gram. (Modes 1, 2, 3, and 4.)
8308-X	DOT-E 8308	Sky Cab, Inc., East Brunswick, NJ	49 CFR 174.447(a), 177.842(a), 177.842(b).	To authorize carriage of non-fissile radioactive materials packages via motor vehicles when their combined transport index exceeds 50 and/or the separation distance criteria can not be met. (Mode 1.)
8308-X	DOT-E 8308	Associated Couriers, Inc., Maryland Heights, MD.	49 CFR 174.447(a), 177.842(a), 177.842(b).	To authorize carriage of non-fissile radioactive materials packages via motor vehicles when their combined transport index exceeds 50 and/or the separation distance criteria can not be met. (Mode 1.)
8308-X	DOT-E 8308	MHC Messengers, Inc., Avenel, NJ	49 CFR 174.447(a), 177.842(a), 177.842(b).	To authorize carriage of non-fissile radioactive materials packages via motor vehicles when their combined transport index exceeds 50 and/or the separation distance criteria can not be met. (Mode 1.)
8308-X	DOT-E 8308	Caspersen, Inc., Glencoe, IL	49 CFR 174.447(a), 177.842(a), 177.842(b).	To authorize carriage of non-fissile radioactive materials packages via motor vehicles when their combined transport index exceeds 50 and/or the separation distance criteria can not be met. (Mode 1.)
8308-X	DOT-E 8308	American Priority Enterprises, Inc., Floral Park, NY.	49 CFR 174.447(a), 177.842(a), 177.842(b).	To authorize carriage of non-fissile radioactive materials packages via motor vehicles when their combined transport index exceeds 50 and/or the separation distance criteria can not be met. (Mode 1.)
8308-X	DOT-E 8308	Del-Med, Inc., So. Plainfield, NJ	49 CFR 174.447(a), 177.842(a), 177.842(b).	To authorize carriage of non-fissile radioactive materials packages via motor vehicles when their combined transport index exceeds 50 and/or the separation distance criteria can not be met. (Mode 1.)
8308-P	DOT-E 8308	American Courier Express Corp., Miramar, FL.	49 CFR 173.447(a), 177.842(a), 177.842(b).	To become a party to exemption 8308. (Mode 1.)
8445-P	DOT-E 8445	Waste Conversion, Inc., Hatfield, PA.	49 CFR Part 173, Subparts D, E, F, H.	To become a party to exemption 8445. (Mode 1.)
8445-P	DOT-E 8445	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR Part 173, Subparts D, E, F, H.	To become a party to exemption 8445. (Mode 1.)
8445-P	DOT-E 8645	E&K Hazardous Waste Services, Inc., Sheboygan, WI.	49 CFR Part 173, Subparts D, E, F, H.	To become a party to exemption 8445. (Mode 1.)
8445-X	DOT-E 8445	Drug & Laboratory Disposal, Inc., Plainwell, MI.	49 CFR Part 173, Subparts D, E, F, H.	To authorize shipment of various hazardous substances and wastes packed in inside plastic, glass, earthenware or metal containers, overpacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purposes of disposal, repackaging or reprocessing. (Mode 1.)
8451-X	DOT-E 8451	Explosive Technology, Inc., Fairfield, CA.	49 CFR 173.65, 173.86(e), 175.3	To authorize transport of not more than 25 grams of high explosives and pryotechnic material in a special shipping container, classed as Class C explosive. (Modes 1, 2, and 4.)
8451-P	DOT-E 8451	Olin Corp., Winchester Division, East Alton, IL.	49 CFR 173.65, 173.86(e), 175.3	To become a party to exemption 8451. (Modes 1, 2, and 4.)
8451-X	DOT-E 8451	IRECO Inc., Salt Lake City, UT	49 CFR 173.65, 173.86(e), 175.3	To authorize transport of not more than 25 grams of high explosives and pryotechnic material in a special shipping container, classed as Class C explosive. (Modes 1, 2, and 4.)
8451-P	DOT-E 8451	Olin Ordnance Corp., Marion, IL	49 CFR 173.65, 173.86(e), 175.3	To become a party to exemption 8451. (Modes 1, 2, and 4.)
8451-P	DOT-E 8451	Teledyne McCormick Selph, Hollister, CA.	49 CFR 173.65, 173.86(e), 175.3	To become a party to exemption 8451. (Modes 1, 2, and 4.)
8453-X	DOT-E 8453	Nelson Brothers, Inc., Parrish, AL	49 CFR 173.114a	To authorize use of non-DOT Specification cargo tanks and DOT Specification MC-306, MC-307, or MC-312 stainless steel cargo tanks, to transport blasting agent. (Modes 1, 3.)
8487-X	DOT-E 8487	Brunswick Corporation/Defense Division, Lincoln, NE.	49 CFR 173.302(a)(1), 173.304(a)(2), 175.3, 178.44.	To authorize manufacture, marking and sale of non-DOT Specification fiber reinforced plastic aluminum lines full composite cylinder, limited for use as equipment components aboard aircraft, for transportation of certain nonflammable compressed gas. (Modes 1, 2, 3, 4, and 5.)
8489-P	DOT-E 8489	IRECO, Inc., Salt Lake City, UT	49 CFR 173.154, 173.182, 173.217, 173.245b.	To become a party to exemption 8489. (Modes 1, 2, and 3.)
8494-X	DOT-E 8494	Fruehauf Corp., Omaha, NE	49 CFR 178.342-6(a)	To authorize manufacture, marking and sale of DOT Specification MC-307 aluminum cargo tanks equipped with glass sight gauges in lieu of the acceptable gauging devices, for transportation of flammable liquids. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8495-X	DOT-E 8495	Walter Kidde, Wilson, NC	49 CFR 173.304(a)(1), 175.3, 178.47.	To authorize manufacture, marking and sale of welded steel container, fabricated in compliance with DOT Specification 4DS with certain exceptions, for transportation of nonflammable gases. (Modes 1, 2, 4, and 5.)
8498-X	DOT-E 8498	Hunter Drums, Limited, Bramalea Ontario, Canada.	49 CFR 173.266, Part 173, Subpart F.	To authorize the use of a 55-gallon DOT Specification 34 packaging to transport certain corrosive liquids and an oxidizer. (Modes 1, 2, and 3.)
8510-X	DOT-E 8510	The Dow Chemical Co., Freeport, TX.	49 CFR 173.178	To authorize shipment of salt-coated magnesium granules in a non-DOT specification wax-impregnated, intermediate bulk, fiberboard box with an inside polyethylene bag. (Modes 1, 2, and 3.)
8518-P	DOT-E 8518	Pacific Petroleum Corp., Orcutt, CA	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To become a party to exemption 8518. (Mode 1.)
8518-P	DOT-E 8518	Unocal Oil & Gas Division, Ventura, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.,343-5.	To become a party to exemption 8518. (Mode 1.)
8519-X	DOT-E 8519	Atlantic Container Line, Limited, Elizabeth, NJ.	49 CFR 176.905(l)	To authorize stowage of motor vehicles with their fuel tanks containing gasoline, classed as a flammable liquid, in the same cargo compartment with other hazardous materials on specially equipped roll-on/roll-off cargo vessels. (Mode 3.)
8526-X	DOT-E 8526	Birko Corp., Westminster, CO	49 CFR 177.834(i)(2)(i)	To authorize shipment of flammable liquids and/or flammable gases, in temperature controlled equipment. (Mode 1.)
8526-P	DOT-E 8526	Birko Corp., Westminster, CO	49 CFR 177.834(l)(2)(i)	To become a party to exemption 8526. (Mode 1.)
8526-P	DOT-E 8526	Monkem Co., Inc., Joplin, MO	49 CFR 177.834(l)(2)(i)	To become a party to exemption 8526. (Mode 1.)
8526-P	DOT-E 8526	Fore Way Express, Inc., Wausau, WI.	49 CFR 177.834(l)(2)(i)	To become a party to exemption 8526. (Mode 1.)
8526-P	DOT-E 8526	Overnite Transportation Co., Richmond, VA.	49 CFR 177.834(i)(2)(i)	To become a party to exemption 8526. (Mode 1.)
8536-X	DOT-E 8536	Pennwalt Corp., Lucidol Division, Buffalo, NY.	49 CFR 173.157(a)(5)	To authorize an increase in the maximum allowable gross weight of a DOT Specification 12B corrugated fiberboard box, for shipment of wet benzoyl peroxide. (Modes 1, 3.)
8539-X	DOT-E 8539	Aero Taxi-Rockford, Inc., Rockford, IL.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize the carriage of certain Class A, B and C explosives that are not permitted for shipment by air, or are in quantities greater than those prescribed for shipment by air. (Mode 4.)
8540-X	DOT-E 8540	U.S. Department of Defense Falls Church, VA.	49 CFR 176.83(b), Table II	To authorize shipment of oxygen candles in non-DOT specification triple wall corrugated fiberboard boxes. (Mode 3.)
8547-X	DOT-E 8547	Natico, Inc., Chicago, IL	49 CFR 176.116, Part 173, Subpart F.	To authorize manufacture, marking and sale of a non-DOT specification 55 gallon steel tight head drum incorporating a molded polyethylene top head, in lieu of a steel top head, for shipment of certain corrosive liquids. (Modes 1, 2.)
8554-X	DOT-E 8554	ECONEX Inc., Wheaton, IL	49 CFR 173.114a, 173.154, 173.93	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1, 3.)
8554-X	DOT-E 8554	ECONEXPRESS Inc., Wheaton, IL	49 CFR 173.114a, 173.154, 173.93	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks (Modes 1,3.).
8554-X	DOT-E 8554	Amos L. Dolby Co., Corsica, PA	49 CFR 173.114a, 173.154, 173.93	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1, 3.)
8554-P	DOT-E 8554	SherDeb Corp., Lehigh Valley, PA	49 CFR 173.114a, 173.154, 173.93	To become a party to exemption 8554. (Modes 1, 3.)
8554-P	DOT-E 8554	Pacco Inc., Olympia, WA	49 CFR 173.114a, 173.154, 173.93	To become a party to exemption 8554. (Modes 1, 3.)
8555-X	DOT-E 8555	Morton Thiokol, Inc., Brigham City, UT.	49 CFR 173.92	To authorize rail as an additional mode of transportation and to incorporate provision from Approval BA-3078 into the exemption. (Mode 1.)
8561-X	DOT-E 8561	HTL Division of Pacific Scientific Co., Duarte, CA.	49 CFR 173.304(a)(1), 175.3, 178.44.	To authorize manufacture, marking and sale of non-DOT specification girth welded stainless steel cylinders, for transportation of a compressed gas. (Modes 1, 2, and 4.)
8569-X	DOT-E 8569	General Dynamics Corp., Fort Worth Division Fort Worth, TX.	49 CFR 172.101 Columbia 6(b), 173.276, 175.3.	To authorize the shipment of 6.6 gallons of hydrazine, aqueous solution, in non-DOT Specification, specially designed military packaging. (Modes 1, 3, and 4.).
8569-X	DOT-E 8569	U.S. Department of Defense, Falls Church, VA.	49 CFR 172.101 Columbia 6(b), 173.276, 175.3.	To authorize the shipment of 6.6 gallons of hydrazine, aqueous solution, in non-DOT Specification specially designed military packaging. (Modes 1, 3, and 4.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8571-X	DOT-E 8571	EM Science, Cincinnati, OH	49 CFR 173.119(a)(28), (b)	To authorize the shipment of various flammable liquids packaged in DOT specification 12A corrugated fiberboard box, with two inside metal can not over 10 liters capacity each. (Mode 1.)
8573-X	DOT-E 8573	All Pure Chemical Co., Inc., Tracy, CA.	49 CFR 173.21(a)(8	To authorize transport of certain solid oxidizers in non-DOT specification polyethylene bottles packed in a DOT Specification 12B double-wall corrugated fiberboard box (Modes 1, 2, and 3.)
8573-X	DOT-E 8573	Alstar Company Tracy, CA	49 CFR 173.217(a)(8)	To authorize transport of certain solid oxidizers in non-DOT specification polyethylene bottles packed in a DOT Specification 12B double-Wall corrugated fiberboard box (Modes 1, 2, and 3).
8582-P	DOT-E 8582	Iowa Interstate Railroad, Ltd., Iowa City, IA.	49 CFR 100-177	To become a party to exemption 8582. (Mode 1.)
8582-P	DOT-E 8582	The Cedar Rapids and Iowa City Railway Co., Cedar Rapids, IA.	49 CFR Parts 100-177	To become a party to exemption 8582. (Mode 1.)
8609-X	DOT-E 8609	Natico, Inc., Chicago, IL	49 CFR 177.841(e), 178.118	To authorize manufacture, marking and sale of non-DOT specification removable head metal drums, for transportation of poison B materials. (Mode 1.)
8691-X	DOT-E 8691	Aluminum Co. of America (ALCOA), Pittsburgh, PA.	49 CFR 173.333, 176.63(b)	To authorize transport of containers containing aluminum chloride contaminated with phosgene, in non-DOT specification stainless steel portable tanks; and semi-bulk bags. (Modes 1, 2, and 3.)
8692-X	DOT-E 8692	Mitsubishi International Corp., New York, NY.	49 CFR 173.154	To authorize shipment of sodium persulfate and ammonium persulfate in collapsible polyethylene-lined, woven polypropylene bags having a capacity not to exceed 2,200 pounds each. (Modes 1, 2, and 3.)
8693-X	DOT-E 8693	CANTRO, Inc., Olathe, KS	49 CFR 173.230	To authorize shipment of sodium metal dispersion in organic solvent in DOT Specification 4BW cylinders. (Modes 1, 3.)
8706-X	DOT-E 8706	Prairie State Equipment, Inc., Sioux Falls, SD.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks in full compliance with DOT Specification MC-307/MC-312 to transport flammable liquid, corrosive material or poison B. (Mode 1.)
8723-X	DOT-E 8723	Explosives Engineers, Inc., Sparks, MD.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1, 3.)
8723-P	DOT-E 8723	Explosives Experts, Inc., Sparks, MD.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to exemption 8723. (Modes 1, 3.)
8747-X	DOT-E 8747	Copps Industries, Inc., Menomonee Falls, WI.	49 CFR 173.245, 173.249, 175.3	To authorize shipment of certain alkaline corrosive liquids, n.o.s., in an unlined 28/26 gauge DOT Specification 37C80 steel drum of five gallon capacity. (Modes 1, 2, 3, and 4.)
8802-X	DOT-E 8802	EVA, Eisenbahn-Verkehrsmittel, GmbH Dusseldorf, West Germany.	49 CFR 173.315	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of liquefied compressed gases. (Modes 1, 2, and 3.)
8806-X	DOT-E 8806	Natico, Inc., Chicago, IL	49 CFR 178.134	To authorize manufacture, marking and sale of non-DOT specification steel drum overpacks having polyethylene top heads for 55-gallon capacity inner DOT Specification 2SL polyethylene container, for transportation of various hazardous materials. (Modes 1, 2, and 3.)
8815-X	DOT-E 8815	Atlas Powder Co., Dallas, TX	49 CFR 173.114a(b)	To authorize transport of certain blasting agents in a cement mixer motor vehicle. (Mode 1.)
8815-X	DOT-E 8815	Nelson Brothers, Inc., Parrish, AL	49 CFR 173.114a(b)	To authorize transport of certain blasting agents in a cement mixer motor vehicle. (Mode 1.)
8862-P	DOT-E 8862	Linde Puerto Rico, Inc., Gurabo, PR.	49 CFR 173.119, 173.124(a)(4), 173.305.	To become a party to exemption 8862. (Mode 1.)
8862-P	DOT-E 8862	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.119, 173.124(a)(4), 173.305.	To become a party to exemption 8862. (Mode 1.)
8862-P	DOT-E 8862	Linde Gases of the West, Oakland, CA.	49 CFR 173.119, 173.124(a)(4), 173.305.	To become a party to exemption 8862. (Mode 1.)
8862-P	DOT-E 8862	Linde Gases of The Midwest, Inc., Hillside, IL.	49 CFR 173.119, 173.124(a)(4), 173.305.	To become a party to exemption 8862. (Mode 1.)
8862-P	DOT-E 8862	Linde Gases of The Southeast, Inc., Wilmington, NC.	49 CFR 173.119, 173.124(a)(4), 173.305.	To become a party to exemption 8862. (Mode 1.)
8862-P	DOT-E 8862	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.119, 173.124(a)(4), 173.305.	To become a party to exemption 8862. (Mode 1.)
8862-P	DOT-E 8862	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.119, 173.124(a)(4), 173.305.	To become a party to exemption 8862. (Mode 1.)
8862-P	DOT-E 8862	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.119, 173.124(a)(4), 173.305.	To become a party to exemption 8862. (Mode 1.)
8862-P	DOT-E 8862	Linde Gases of The Great Lakes, Inc., Cleveland, OH.	49 CFR 173.119, 173.124(a)(4), 173.305.	To become a party to exemption 8862. (Mode 1.)
8862-P	DOT-E 8862	UNIGAS, Inc., Ponce, PR	49 CFR 173.119, 173.124(a)(4), 173.305.	To become a party to exemption 8862. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8862-P	DOT-E 8862	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.119, 173.124(a)(4), 173.305.	To become a party to exemption 8862. (Mode 1.)
8862-P	DOT-E 8862	GenEx, Ltd., Des Moines, IA	49 CFR 173.119, 173.124(a)(4), 173.305.	To become a party to exemption 8862. (Mode 1.)
8862-P	DOT-E 8862	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.119, 173.124(a)(4), 173.305.	To become a party to exemption 8862. (Mode 1.)
8877-X	DOT-E 8877	Hoechst Celanese Corp., Somerville, NJ.	49 CFR 173.119, 173.245	To authorize shipment of certain materials described as flammable liquid, corrosive, n.o.s. (corrosive to skin only) and corrosive liquids, n.o.s. in DOT-12B65, 12A65 and 12A80 fiberboard boxes with inside glass bottles having a capacity not to exceed one gallon. (Modes 1, 2, and 3.)
8877-X	DOT-E 8877	Union Carbide Chemicals & Plastics Co. Inc., Danbury, CT.	49 CFR 173.119, 173.245	To authorize shipment of certain materials described as flammable liquid, corrosive, n.o.s. (corrosive to skin only) and corrosive liquids, n.o.s. in DOT-12B65, 12A65 and 12A80 fiberboard boxes with inside glass bottles having a capacity not to exceed one gallon. (Modes 1, 2, and 3.)
8877-X	DOT-E 8877	General Chemical Corp., Parsippany, NJ.	49 CFR 173.119, 173.245	To authorize shipment of certain materials described as flammable liquid, corrosive, n.o.s. (corrosive to skin only) and corrosive liquids, n.o.s. in DOT-12B65, 12A65 and 12A80 fiberboard boxes with inside glass bottles having a capacity not to exceed one gallon. (Modes 1, 2, and 3.)
8877-X	DOT-E 8877	PCR, Inc., Gainesville, FL	49 CFR 173.119, 173.245	To authorize shipment of certain materials described as flammable liquid, corrosive, n.o.s. (corrosive to skin only) and corrosive liquids, n.o.s. in DOT-12B65, 12A65 and 12A80 fiberboard boxes with inside glass bottles having a capacity not to exceed one gallon. (Modes 1, 2, and 3.)
8885-X	DOT-E 8885	Copps Industries, Inc., Menomonee Falls, WI.	49 CFR 173.245, 173.249, 175.3	To authorize shipment of certain alkaline corrosive liquids, n.o.s., in an unlined tin can, overpacked in a non-DOT specification removable head molded polyethylene pail of five or six-gallon capacity, also containing a nonhazardous resin mix. (Modes 1, 2, 3, and 4.)
8901-X	DOT-E 8901	Soweco, Inc., Amarillo, TX	49 CFR 173.357	To authorize shipment of chloropicrin, in polyethylene bottles overpacked in non-DOT specification triple-wall, A-A-C flute, corrugated fiberboard boxes. (Mode 1.)
8901-X	DOT-E 8901	Hopkins Agricultural Chemical Co., Madison, WI.	49 CFR 173.357	To authorize shipment of chloropicrin, in polyethylene bottles overpacked in non-DOT specification triple-wall, A-A-C flute, corrugated fiberboard boxes. (Mode 1.)
8904-X	DOT-E 8904	Keith Huber, Inc., Gulfport, MS	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations and certain other features, for transportation of flammable, corrosive or poisonous waste liquids or semi-solids. (Mode 1.)
8907-X	DOT-E 8906	FMC Corp., Philadelphia, PA	49 CFR 173.365	To authorize shipment of used, essentially empty containers that contain residual amounts of carbofura, packed in a non-DOT specification double wall BC flute corrugation fiberboard box. (Mode 1.)
8910-X	DOT-E 8910	Canbar Inc., Waterloo, Ont., Canada.	49 CFR 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sale of non-DOT specification rotationally molded, linear low density polyethylene portable tank enclosed in a steel cage, for shipment of corrosive liquids. (Modes 1, 2.)
8915-P	DOT-E 8915	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 8915. (Modes 1, 3.)
8915-P	DOT-E 8915	Linde Gases of the West, Oakland, CA.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 8915. (Modes 1, 3.)
8915-P	DOT-E 8915	Linde Gases of The Midwest, Inc., Hillside, IL.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 8915. (Modes 1, 3.)
8915-P	DOT-E 8915	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 8915. (Modes 1, 3.)
8915-P	DOT-E 8915	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 8915. (Modes 1, 3.)
8915-P	DOT-E 8915	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 8915. (Modes 1, 3.)
8915-P	DOT-E 8915	Linde Gases of The Great Lakes, Inc., Cleveland, OH.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 8915. (Modes 1, 3.)
8915-P	DOT-E 8915	UNIGAS, Inc., Ponce, PR	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 8915. (Modes 1, 3.)
8915-P	DOT-E 8915	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 8915. (Modes 1, 3.)
8917-X	DOT-E 8917	Fluor Daniel, Bellaire, TX	49 CFR 49 CFR 173.182, 176.400	To authorize transport of ammonium nitrate prills in a large, lined steel container. (Modes 1, 2, and 3.)
8923-P	DOT-E 8923	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.119(m), 173.3a	To become a party to exemption 8923. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8936-X	DOT-E 8936	Great Lakes Chemical Corp., El Dorado, AR.	49 CFR 173.357(b)(2)	To authorize shipment of a mixture containing 57% chloropicrin and 43% 1,3-dichloropropene, 1,2-dichloropropane and related hydrocarbons, respectively by weight, in non-authorized DOT Specification 5B metal drums. (Modes 1, 2, and 3.)
8938-X	DOT-E 8938	Cryogenic Services, Inc., Canton, GA.	49 CFR 173.304(a), 175.3	To authorize the use of a DOT Specification 4L cylinder to transport nonflammable gases. (Modes 1, 2, 3, and 4.)
8955-X	DOT-E 8955	Western Atlas International, Inc., Houston, TX.	49 CFR 173.110(c)(1), 173.80(b), 173.80(c).	To authorize transport of charged oil well guns with detonators attached. (Modes 1, 3.)
8958-X	DOT-E 8958	De La Mare Engineering, Inc., San Fernando, CA.	49 CFR 172.101, 173.60	To authorize transport of limited quantities of black powder, classed as a flammable solid, in DOT Specification 12H fiberboard boxes. (Modes 1, 2.)
8962-X	DOT-E 8962	HTL/Kin-Tech, Division/Pacific, Scientific Co. Durate, CA.	49 CFR 173.302(a), 175.3, 178.44	To authorize manufacture, marking and sale of non-DOT specification girth welded stainless steel cylinders, for transportation of a compressed gas. (Modes 1, 2, and 4.)
8966-X	DOT-E 8966	GPS Industries, City of Industry, CA.	49 CFR 173.263(a)(15), 173.277(a)(1), 178.205.	To authorize shipment of sodium hypochlorite solution, and hydrochloric acid solutions in four one-gallon polyethylene bottles enclosed in a bag of polyethylene film, packed in a corrugated fiberboard box complying with DOT Specification 12B except for hand holes authorized in side panels of box. (Mode 1.)
8966-X	DOT-E 8966	All Pure Chemical Co., Inc., Tracy, CA.	49 CFR 173.263(a)(15), 173.277(a)(1), 178.205.	To authorize shipment of sodium hypochlorite solution, and hydrochloric acid solutions in four one-gallon polyethylene bottles enclosed in a bag of polyethylene film, packed in a corrugated fiberboard box complying with DOT Specification 12B except for hand holes authorized in side panels of box. (Mode 1.)
8966-P	DOT-E 8966	Alstar Co., Tracy, CA	49 CFR 173.263(a)(15), 173.277(a)(1), 178.205.	To become a party to exemption 8966. (Mode 1.)
8968-X	DOT-E 8968	Degussa Corp., Ridgefield Park, NJ.	49 CFR 173.206	To authorize use of a non-DOT Specification IMO Type 1 portable tank, for transportation of a flammable solid. (Modes 1, 2, and 3.)
8971-X	DOT-E 8971	Western Atlas International, Inc., Houston, TX.	49 CFR 172.101 Column 4, 173.246, 175.3.	To authorize use of non-DOT specification steel cylinders of equal or greater integrity than those currently authorized, for transportation of a liquid oxidizer. (Modes 1, 2, 3, and 4.)
8978-X	DOT-E 8978	SAB NIFE A/S, Denmark	49 CFR 172.101, 175.3	To authorize transport of lithium cells containing more than 12 but not more than 50 grams of lithium metal, in non-DOT specification, non-reusable, open head, steel drums. (Modes 1, 2, 3, and 4.)
8978-X	DOT-E 8978	Whittaker-Yardney Power Systems/Comp., Headquarters Pawcatuck, CT.	49 CFR 172.101, 175.3	To authorize transport of lithium cells containing more than 12 but not more than 50 grams of lithium metal, in non-DOT specification, non-reusable, open head, steel drums. (Modes 1, 2, 3, and 4.)
8978-X	DOT-E 8978	Whittaker-Yardney Power Systems/Lithium Bat., Dept. Waltham, MA.	49 CFR 172.101, 175.3	To authorize transport of lithium cells containing more than 12 but not more than 50 grams of lithium metal, in non-DOT specification, non-reusable, open head, steel drums. (Modes 1, 2, 3, and 4.)
8988-P	DOT-E 8988	Owen Oil Tools, Inc., Fort Worth, TX.	49 CFR 172.101, 173.110, 173.80, 175.30.	To become a party to exemption 8988. (Modes 1, 3, and 4.)
8988-X	DOT-E 8988	Western Atlas International, Inc., Houston, TX.	49 CFR 172.101, 173.110, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, and 4.)
8988-P	DOT-E 8988	Halliburton Logging Services, Inc., Houston, TX.	49 CFR 172.101, 173.110, 173.80, 175.30.	To become a party to exemption 8988. (Modes 1, 3, and 4.)
8990-X	DOT-E 8990	Pressure Pak Container, Inc., East Hampton, CT.	49 CFR 173.302(a)(1), 175.3, 178.65-2, 178.65-5(a)(4).	To authorize manufacture, marking and sale of non-DOT specification nonrefillable steel inside cylinders, for transportation of nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
8991-X	DOT-E 8991	Lea-Ronal, Inc., Freeport, NY	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 173.126, 173.138, 173.237, 173.246, 173.35(a), 175.3.	To authorize manufacture, marking and sale of specially designed packagings for shipment of liquid and solid poisons without labels and packages bearing the DANGEROUS WHEN WET LABEL without placarding motor vehicles. (Modes 1, 2, and 4.)
8995-X	DOT-E 8995	Worum Chemical Co., St. Paul, MN.	49 CFR 173.315(a)(1), 173.346, 174.63(b).	To authorize use of non-DOT specification steel portable tanks, for transportation of certain nonpoisonous, nonflammable compressed gases, and a class B poisonous liquid. (Modes 1, 2.)
8995-X	DOT-E 8995	Olin Corp., Stamford, CT	49 CFR 173.315(a)(1), 173.346, 174.63(b).	To authorize use of non-DOT specification steel portable tanks, for transportation of certain nonpoisonous, nonflammable compressed gases, and a class B poisonous liquid. (Modes 1, 2.)
8995-P	DOT-E 8995	Eastern Foam Systems, Inc., Stratford, CT.	49 CFR 173.315(a)(1), 173.346, 174.63(b).	To become a party to exemption 8995. (Modes 1, 2.)
8998-X	DOT-E 8998	Oil-Air Hydraulic, Inc., Brookshire, TX.	49 CFR 173.302(a)(1), 175.3	To authorize shipment of nitrogen in hydraulic accumulators. (Modes 1, 2, 3, and 4.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9010-X	DOT-E 9010	United Technologies, Chemical Systems Division, San Jose, CA.	49 CFR 173.88(e)(2)(ii), 173.92	To authorize transport of a large rocket motor with or without igniter installed and which may be in a propulsive state, or a rocket motor igniter. (Mode 1.)
9013-X	DOT-E 9014	Hunter Drums, Limited, Bramalea, Ontario, Canada.	49 CFR 173.262, 173.266	To authorize manufacture, marking and sale of DOT Specification 34 blowmolded, polyethylene container of 55 gallon capacity for transportation of corrosive liquids and oxidizers. (Modes 1, 2, and 3.)
9017-X	DOT-E 9017	EVA Eisenbahn-Verkehrsmittel-Gasellschaft GmbH, Dusseldorf, West Germany.	49 CFR 173.264(b)	To authorize use of a non-DOT specification IMO Type 5 portable tank, for transportation of anhydrous hydrofluoric acid. (Modes 1, 2, and 3.)
9017-X	DOT-E 9017	Mobay Corp., Pittsburgh, PA	49 CFR 173.264(b)	To authorize use of a non-DOT specification IMO Type 5 portable tank, for transportation of anhydrous hydrofluoric acid. (Modes 1, 2, and 3.)
9019-X	DOT-E 9019	Completion Services, Inc., Lafayette, LA.	49 CFR 173.119, 173.125, 173.263, 173.264, 173.277, 46 CFR 64.9.	To authorize use of a marine portable tank, for transportation of certain flammable and corrosive liquids. (Mode 1.)
9023-X	DOT-E 9023	Eurotainer, S.A., Paris, France	49 CFR 173.315, 178.245	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of liquefied compressed gases. (Modes 1, 2, and 3.)
9024-X	DOT-E 9024	SLEMI, Paris, France	49 CFR 173.315	To authorize use of a non-DOT specification IMO Type 5 portable tank, for transportation of liquefied compressed gases. (Modes 1, 2, and 3.)
9024-X	DOT-E 9024	Arbel-Fauvet-Rail, St Laurent Blangy, France.	49 CFR 173.315	To authorize use of a non-DOT specification IMO Type 5 portable tank, for transportation of liquefied compressed gases. (Modes 1, 2, and 3.)
9034-P	DOT-E 9034	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To become a party to exemption 9034. (Modes 1, 2, 3, 4, and 5.)
9034-P	DOT-E 9034	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To become a party to exemption 9034. (Modes 1, 2, 3, 4, and 5.)
9034-P	DOT-E 9034	UNIGAS, Inc., Ponce, PR	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To become a party to exemption 9034. (Modes 1, 2, 3, 4, and 5.)
9034-P	DOT-E 9034	Linde Gases of The Southeast, Inc., Wilmington, NC.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To become a party to exemption 9034. (Modes 1, 2, 3, 4, and 5.)
9034-P	DOT-E 9034	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To become a party to exemption 9034. (Modes 1, 2, 3, 4, and 5.)
9034-P	DOT-E 9034	Linde Gases of the West, Oakland, CA.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To become a party to exemption 9034. (Modes 1, 2, 3, 4, and 5.)
9034-P	DOT-E 9034	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To become a party to exemption 9034. (Modes 1, 2, 3, 4, and 5.)
9034-P	DOT-E 9034	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To become a party to exemption 9034. (Modes 1, 2, 3, 4, and 5.)
9034-P	DOT-E 9034	Linde Gases of The Midwest, Inc., Hillside, IL.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To become a party to exemption 9034. (Modes 1, 2, 3, 4, and 5.)
9034-X	DOT-E 9034	Airco—The BOC Group, Inc., Murray Hill, NJ.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To authorize use of a previously unauthorized DOT Specification 3AL aluminium cylinder, for transportation of certain gases and gas mixtures. (Modes 1, 2, 3, 4, and 5.)
9034-P	DOT-E 9034	GenEx, Ltd., Des Moines, IA	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To become a party to exemption 9034. (Modes 1, 2, 3, 4, and 5.)
9034-P	DOT-E 9034	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To become a party to exemption 9034. (Modes 1, 2, 3, 4, and 5.)
9047-P	DOT-E 9047	Linde Puerto Rico, Inc., Gurabo, PR.	49 CFR 173.124(a)(2), 173.124(a)(4), 175.3.	To become a party to exemption 9047. (Modes 1, 2, 3, 4, and 5.)
9047-P	DOT-E 9047	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.124(a)(2), 173.124(a)(4), 175.3.	To become a party to exemption 9047. (Modes 1, 2, 3, 4, and 5.)
9047-P	DOT-E 9047	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.124(a)(2), 173.124(a)(4), 175.3.	To become a party to exemption 9047. (Modes 1, 2, 3, 4, and 5.)
9047-P	DOT-E 9047	UNIGAS, Inc., Ponce, PR	49 CFR 173.124(a)(2), 173.124(a)(4), 175.3.	To become a party to exemption 9047. (Modes 1, 2, 3, 4, and 5.)
9047-P	DOT-E 9047	Linde Gases of The Southeast, Inc., Wilmington, DC.	49 CFR 173.124(a)(2), 173.124(a)(4), 175.3.	To become a party to exemption 9047. (Modes 1, 2, 3, 4, and 5.)
9047-P	DOT-E 9047	Linde Gases of the Mid-Atlantic, Moorestown, NJ.	49 CFR 173.124(a)(2), 173.124(a)(4), 175.3.	To become a party to exemption 9047. (Modes 1, 2, 3, 4, and 5.)
9047-P	DOT-E 9047	Linde Gases of the West, Oakland, CA.	49 CFR 173.124(a)(2), 173.124(a)(4), 175.3.	To become a party to exemption 9047. (Modes 1, 2, 3, 4, and 5.)
9047-P	DOT-E 9047	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.124(a)(2) 173.124(a)(4), 175.3.	To become a party to exemption 9047. (Modes 1, 2, 3, 4, and 5.)
9047-P	DOT-E 9047	Linde Gases of the Great Lakes, Inc., Cleveland, OH.	49 CFR 173.124(a)(2), 173.124(a)(4), 175.3.	To become a party to exemption 9047. (Modes 1, 2, 3, 4, and 5.)
9047-P	DOT-E 9047	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.124(a)(2), 173.124(a)(4), 175.3.	To become a party to exemption 9047. (Modes 1, 2, 3, 4, and 5.)
9047-P	DOT-E 9047	Linde Gases of the Midwest, Inc., Hillside, IL.	49 CFR 173.124(a)(2), 173.124(a)(4), 175.3.	To become a party to exemption 9047. (Modes 1, 2, 3, 4, and 5.)
9047-P	DOT-E 9047	GenEx, Ltd., Des Moines, IA	49 CFR 173.124(a)(2), 173.124(a)(4), 175.3.	To become a party to exemption 9047. (Modes 1, 2, 3, 4, and 5.)
9047-P	DOT-E 9047	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.124(a)(2), 173.124(a)(4), 175.2.	To become a party to exemption 9047. (Modes 1, 2, 3, 4, and 5.)
9058-P	DOT-E 9058	Halliburton Logging Services, Inc., Houston, TX.	49 CFR 173.304(a), 173.34(d), 175.3.	To become a party to exemption 9058. (Modes 1, 4.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9059-P	DOT-E	U.S. Department of Defense, Falls Church, VA.	49 CFR 172.101, 172.202, 172.302(d), 173.34(d)(4).	To become a party to exemption 9059. (Modes 1, 2.)
9059-P	DOT-E 9059	Cryogenic Rare Gas Laboratories Inc., Hanahan, SC.	49 CFR 172.101, 172.202, 172.302(d), 173.34(d)(4).	To become a party to exemption 9059. (Modes 1, 2.)
9063-X	DOT-E 9063	Hoechst Celanese Corp., Somerville, NJ.	49 CFR 173.315, 178.245	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of non-flammable compressed gases. (Modes 1, 2, and 3.)
9066-P	DOT-E 9066	Arvin/Calspan, Buffalo, NY	49 CFR 171.11 (See paragraph 8.d.).	To become a party to exemption 9066. (Modes 1, 2, 3, 4.)
9108-X	DOT-E 9108	Trojan Corp., Spanish Fork, UT	49 CFR 173.77	To authorize transport of pentaerythrite tetranitrate (PETN) wet with 25% water in a 4 mil polyethylene bag placed in a DOT specification 12H fiberboard box. (Modes 1, 3.)
9108-X	DOT-E 9108	Atlas Powder Co., Dallas, TX	49 CFR 173.77	To authorize transport of pentaerythrite tetranitrate (PETN) wet with 25% water in a 4 mil polyethylene bag placed in a DOT specification 12H fiberboard box (Modes 1, 3.)
9108-X	DOT-E 9108	Austin Powder Co., Cleveland, OH	49 CFR 173.77	To authorize transport of pentaerythrite tetranitrate (PETN) wet with 25% water in a 4 mil polyethylene bag placed in a DOT specification 12H fiberboard box. (Modes 1, 3.)
9108-X	DOT-E 9108	Explosives Technologies International (ETI) Wilmington, DE.	49 CFR 173.77	To authorize transport of pentaerythrite tetranitrate (PETN) wet with 25% water in a 4 mil polyethylene bag placed in a DOT specification 12H fiberboard box. (Modes 1, 3.)
9108-X	DOT-E 9108	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.77	To authorize transport of pentaerythrite tetranitrate (PETN) wet with 25% water in a 4 mil polyethylene bag placed in a DOT specification 12H fiberboard box. (Modes 1, 3.)
9110-X	DOT-E 9110	Kerr-McGee Chemical Corp., Oklahoma City, OK.	49 CFR 173.163	To authorize shipment of sodium chlorate, in non-DOT specification collapsible polyethylene-lined, woven polypropylene bags having capacities ranged from 20 to 40 cubic feet. (Modes 1, 2, and 3.)
9120-X	DOT-E 9120	Western Atlas International, Inc., Houston, TX.	49 CFR 173.304(a), 173.34(d), 175.3.	To authorize the use of a non-DOT specification pressure vessel to transport certain flammable gases. (Modes 1, 2, 3, and 4.)
9138-X	DOT-E 9138	National Aeronautics and Space Administration, Washington, DC.	49 CFR 173.302(a), 173.34(d), 175.3.	To authorize shipment of nitrogen in a fiber reinforced plastic full composite cylinder without a safety relief device. (Modes 1, 4.)
9174-X	DOT-E 9174	National Aeronautics & Space Administration (NASA), Washington, DC.	49 CFR 173.302(a)	To authorize use of non-DOT specification cylindrical and spherical pressure vessels which are an integral part of the Space Shuttle Auxiliary Propulsion System rods, for transportation of helium and nitrogen. (Mode 1.)
9220-X	DOT-E 9220	Custom Packaging Systems, Inc., Manistee, MI.	49 CFR 173.182, 173.217, 173.245b.	To authorize manufacture, marking and sale of non-DOT specification collapsible flexible bag, disposable bulk container, for transportation of corrosive solids and oxidizers. (Modes 1, 2, and 3.)
9262-X	DOT-E 9262	Gearhart Industries, Inc., Fort Worth, TX.	49 CFR 173.100(v), 175.30	To authorize transport of oil well cartridges containing not more than 500 grains of high explosive as Class C explosive, in a DOT Specification 12B, 12H, 23F or 23H fiberboard box. (Modes 1, 3, and 4.)
9265-X	DOT-E 9265	Guinn Flying Service, Houston, TX	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B and C explosives [that are not permitted for shipment by air, or in quantities greater than those prescribed for shipment by air] by cargo aircraft only. (Mode 4.)
9271-X	DOT-E 9271	CSX Transportation, Inc., Jacksonville, FL.	49 CFR 174.90	To authorize deviation from car separation requirements, for transportation of Class A and B explosives. (Mode 2.)
9275-P	DOT-E 9275	J.C.&F., Inc., Jersey City, NJ	49 CFR Parts 100-199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, and 5.)
9275-P	DOT-E9275	Fries & Fries, Cincinnati, OH	49 CFR Parts 100-199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Hercules, Inc., Wilmington, DE	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	International Flavors & Fragrances (IFF-US), Hazlet, NJ.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Merrell Dow Pharmaceuticals, Inc., Cincinnati, OH.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	The Upjohn Co., Kalamazoo, MI	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Fritzsche, Dodge & Olcott, Inc., New York, NY.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Noxell Corp., Hunt Valley, MD	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Ortho Pharmaceutical Corp., Somerset, NJ.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9275-X	DOT-E 9275	A.H. Robins Co., Richmond, VA	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Shaklee Corp., Hayward, CA	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Carter-Wallace, Inc., Cranbury, NJ	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	BIC Corp., Milford, CT	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	The Proctor & Gamble Distribution Co., Cincinnati, OH.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Firmenich, Inc., Princeton, NJ	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Amway Corp., Ada, MI	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Liz Claiborne Cosmetics, North Bergen, NJ.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Scentura Creations, Atlanta, GA	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Mary Kay Cosmetics, Dallas, TX	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Parfums Stern, New York, NY	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Giorgio of Beverly Hills, Santa Monica, CA.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Avon Products, Inc., New York, NY	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Warner-Lambert Co., Morris Plains, NJ.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	DuPont Pharmaceuticals, Inc., Waukegan, IL.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9289-X	DOT-E 9289	ICI Americas Inc., Wilmington, DE	49 CFR 173.118a(b)(1)	To renew and authorize additional combustible liquids identified by their trade names for shipment in metal or polyethylene portable tanks. (Mode 1.)
9308-X	DOT-E 9308	Pennwalt Corp., Buffalo, NY	49 CFR 173.243	To authorize shipment of a corrosive liquid, n.o.s., in a DOT Specification 2E polyethylene bottle equipped with a vented closure, to be overpacked in a DOT Specification 12B40 fiberboard box. (Modes 1, 3.)
9316-X	DOT-E 9316	Fluoroware Inc., Chaska, MN	49 CFR 173.268, 173.28(k), 173.299, 178.35, 178.35a, Part 173, Subpart F.	To authorize renewal, the use of ¼ inch rivets, instead of ¼ inch bolts, as an alternative means of joining the polyethylene tank components and cargo vessel as additional mode of transportation. (Modes 1, 2, and 3.)
9319-X	DOT-E 9319	W. R. Grace & Co., Dearborn Division, Lake Zurich, IL.	49 CFR 173.245(a)(38)	To authorize DOT Specification 57 Type 304 or 316 stainless steel portable tanks, for water treatment compounds or boiler compounds, liquid that are not alkaline. (Modes 1, 2.)
9326-X	DOT-E 9326	Carbonaire, Inc., Palmerton, PA	49 CFR 173.315	To authorize transport of carbon dioxide refrigerated liquid, in non-DOT specification cargo tank that has been retested in accordance with MC-331 cargo tank retest requirements. (Mode 1.)
9329-X	DOT-E 9329	Western Atlas International, Inc., Houston, TX.	49 CFR 172.101 Column 6(b), 173.110, 173.80, 175.30.	To authorize transport of charged well casing jet perforating guns, classed as explosive A or explosive C. (Mode 4.)
9331-X	DOT-E 9331	Rio Linda Chemical Co., Inc., Sacramento, CA.	49 CFR 173.263(a)(10)	To authorize shipment of sodium chlorite solutions in water, in DOT Specification MC-306 and MC-307 cargo tanks. (Mode 1.)
9338-X	DOT-E 9338	Allied-Signal Inc., Morristown, NJ	49 CFR 179.302(a)	To authorize use of DOT Specification 106A500X and 110A500W multi-unit tank car tanks without a gas tight valve protection housing, for transportation of a corrosive material. (Modes 1, 2.)
9343-X	DOT-E 9343	Aluminum Company of America, Pittsburgh, PA.	49 CFR 173.206	To authorize transportation of lithium metal in stainless steel DOT Specification 51 portable tanks. (Mode 1.)
9354-X	DOT-E 9354	Companhia Nitro Quimica Brasileira, Sao Paulo, Sp Brazil.	49 CFR 173.217	To authorize transport of alcohol-wet nitrocellulose in non-DOT specification fiber drums. (Modes 1, 2, and 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9372-X	DOT-E 9372	Halliburton Logging Services, Inc., Houston, TX.	49 CFR 173.110(c)(1), 173.80(b), 173.80(c).	To authorize transport of charged oil well guns with detonators attached. (Modes 1, 3.)
9374-X	DOT-E 9374	Poly Processing Co., Inc., Monroe, LA.	49 CFR 173.114a(h)(3), 173.119, 173.256, 173.266, 173.268, 176.415, 176.83, 178.19, 178.253, Part 173, Subpart F.	To authorize an additional closure system for the non-DOT specification portable tank. (Modes 1, 2, and 3.)
9374-X	DOT-E 9374	Poly Processing Co., Inc., Monroe, LA.	49 CFR 173.114a(h)(3), 173.119, 173.256, 173.266, 173.268, 176.415, 176.83, 178.19, 178.253, Part 173, Subpart F.	To authorize an additional type metal frame design for use with a polyethylene portable tank for shipment of certain corrosive or flammable liquids, or oxidizer and a blasting agent. (Modes 1, 2, and 3.)
9374-X	DOT-E 9374	Poly Processing Co., Inc., Monroe, LA.	49 CFR 173.114a(h)(3), 173.119, 173.256, 173.266, 173.268, 176.415, 176.83, 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sale of non-DOT specification rotationally molded, cross-linked polyethylene portable tank enclosed within a protective steel frame, for shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2, and 3.)
9377-X	DOT-E 9377	Atlas Power Co., Dallas, TX	49 CFR 173.64(a)(5)	To authorize transport of high explosives containing more than 5% moisture in packagings without inner plastic bags or other linings. (Modes 1, 2, and 3.)
9381-X	DOT-E 9381	Pasco Zinc Corp., Torrance, CA	49 CFR 173.154	To authorize transportation of a water reactive solid, which evolves hydrogen slowly when wet, in open packagings such as drums, hopper trucks and gondola cars. (Modes 1, 2.)
9401-X	DOT-E 9401	Arbel-Fauvet-Rail, Paris, France	49 CFR 173.315, 178.245	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of flammable and nonflammable liquefied compressed gases. (Modes 1, 2, and 3.)
9401-X	DOT-E 9401	ATOCHEM, Paris, France	49 CFR 173.315, 178.245	Authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of flammable and nonflammable liquefied compressed gases. (Modes 1, 2, and 3.)
9401-X	DOT-E 9401	Societe Nationale De Wagons-Reservoirs, Paris, France.	49 CFR 178.315, 178.245	To authorize manufacture, marking and sale of nonrefillable, non-DOT specification cylinders designed and manufactured in accordance with DOT-39 specification, except for material of construction. (Modes 1, 2, and 3.)
9408-X	DOT-E 9408	Ethyl Corp., Baton Routge, LA	49 CFR 173.301(d)(2), 173.302	To authorize transport of silicon tetrafluoride in DOT Specification 3AAX cylinders. (Mode 1.)
9413-X	DOT-E 9413	EM Science, Cincinnati, OH	49 CFR 173.286	To authorize transport of a chemical kit which contains small amounts of hydrochloric acid and zinc powder. (Mode 1.)
9414-P	DOT-E 9414	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.119, 173.245, 173.302(a)(5), 178.253.	To become a party to exemption 9414. (Modes 1, 3.)
9414-P	DOT-E 9414	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.119, 173.245, 173.302(a)(5), 178.253.	To become a party to exemption 9414. (Modes 1, 3.)
9414-P	DOT-E 9414	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.119, 173.245, 173.302(a)(5), 178.253.	To become a party to exemption 9414. (Modes 1, 3.)
9414-P	DOT-E 9414	Linde Gases of the West, Oakland, CA.	49 CFR 173.119, 173.245, 173.302(a)(5), 178.253.	To become a party to exemption 9414. (Modes 1, 3.)
9414-P	DOT-E 9414	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.119, 173.245, 173.302(a)(5), 178.253.	To become a party to exemption 9414. (Modes 1, 3.)
9414-P	DOT-E 9414	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.119, 173.245, 173.302(a)(5), 178.253.	To become a party to exemption 9414. (Modes 1, 3.)
9414-P	DOT-E 9414	Linde Gases of The Midwest, Inc., Hillside, IL.	49 CFR 173.119, 173.245, 173.302(a)(5), 178.253.	To become a party to exemption 9414. (Modes 1, 3.)
9414-P	DOT-E 9414	GenEx, LTD., Des Moines, IA	49 CFR 173.119, 173.245, 173.302(a)(5), 178.253.	To become a party to exemption 9414. (Modes 1, 3.)
9414-P	DOT-E 9414	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.119, 173.245, 173.302(a)(5), 178.253.	To become a party to exemption 9414. (Modes 1, 3.)
9430-P	DOT-E 9430	ENPAC Corp., Jacksonville, FL	49 CFR 173.3(c)	To become a party to exemption 9430. (Modes 1, 2.)
9430-X	DOT-E 9430	ENPAC Corp., Jacksonville, FL	49 CFR 173.3(c)	To authorize manufacture, marking and sale of non-DOT polyethylene/fiberglass removable head salvage drums or 90 gallon capacity for overpacking damaged or leaking packages of hazardous materials or for packing hazardous materials that have spilled or leaked, for repackaging or disposal. (Modes 1, 2.)
9431-X	DOT-E 9431	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.63, 173.65, 173.87, 173.93, 173.3.	To authorize several types of explosives in the same package, in quantities greater than authorized by 49 CFR 173.87. (Modes 1, 2, and 4.)
9433-X	DOT-E 9433	Aldrich Chemical Co., Inc., Milwaukee, WI.	49 CFR 173.302, 173.303, 173.304	To authorize transport of flammable gases at atmospheric pressure in glass bulbs not exceeding one liter capacity, packed in DOT Specification 12A/12B fiberboard boxes. (Mode 1.)
9436-P	DOT-E 9436	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h).	To become a party to exemption 9436. (Modes 1, 3.)
9443-X	DOT-E 9443	Hercules, Inc., Wilmington, DE	49 CFR 173.92(b), 175.3	To authorize transport of Class B rocket motors with igniters installed. (Modes 1, 3, and 4.)
9450-X	DOT-E 9450	Marison Co., South Elgin, IL	49 CFR 173.302(a), 173.304(a), 173.305(a), 175.3, 178.61.	To authorize manufacture, marking and sale of non-DOT specification cylinders made in compliance with DOT Specification 4BW with certain exceptions, for transportation of flammable and nonflammable gases. (Modes 1, 2, 3, 4, and 5.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9463-X	DOT-E 9463	Guzzler Manufacturing, Inc., Birmingham, AL.	49 CFR 173.119(a), (m), 173.245(a), 173.340-8(c), 173.346(a), 178.340-7, 178.342-5, 178.342-7(a), 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for full opening rear head for shipment of flammable, corrosive or poison B waste liquids or semi-solids (Mode 1.)
9480-X	DOT-E 9480	Messer Griesheim Industries, Inc., Valley Forge, PA.	49 CFR 173.302(a)(5)	To authorize transport of tetrafluoromethane and mixture thereof in DOT Specification 3AL cylinders. (Modes 1, 2, 3 and 4.)
9491-X	DOT-E 9491	Messer Griesheim Industries, Inc., Valley Forge, PA.	49 CFR 173.302, 173.304	To authorize transport of hexafluoroethane and trifluoromethane in DOT Specification 3AL cylinders. (Modes 1, 2, 3, 4, and 5.)
9507-X	DOT-E 9507	Union Carbide Corp., Danbury, CT	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To authorize use of a non-DOT specification full removable head salvage cylinder of 45 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9507-X	DOT-E 9507	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To authorize use of a non-DOT specification full removable head salvage cylinder of 45 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9507-P	DOT-E 9507	Messer Greisheim Industries, Valley Forge, PA.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (Mode 1.)
9507-X	DOT-E 9507	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To authorize use of a non-DOT specification full removable head salvage cylinder of 45 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9579-X	DOT-E 9579	IRECO, Inc., Salt Lake City, UT	49 CFR 173.154(a)(18)	To authorize use of non-DOT specification motor vehicle for bulk shipment of oxidizers. (Mode 1.)
9579-P	DOT-E 9579	Pepin-Ireco, Inc., Ishpeming, MI	49 CFR 173.154(a)(18)	To become a party to exemption 9579. (Mode 1.)
9607-P	DOT-E 9607	Revlon Professional Products Group, Jacksonville, FL.	49 CFR Parts 100-199	To become a party to exemption 9607. (Modes 1, 4, and 5.)
9507-P	DOT-E 9507	Linde Puerto Rico, Inc., Gurabo, Pr.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (Mode 1.)
9507-P	DOT-E 9507	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (Mode 1.)
9507-P	DOT-E 9507	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (Mode 1.)
9507-P	DOT-E 9507	UNIGAS, Inc., Ponce, PR	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.46.	To become a party to exemption 9507. (Mode 1.)
9507-P	DOT-E 9507	Linde Gases of The Southeast, Inc., Wilmington, DE.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (Mode 1.)
9507-P	DOT-E 9507	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (Mode 1.)
9507-P	DOT-E 9507	Linde Gases of the West, Oakland, CA.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (Mode 1.)
9507-P	DOT-E 9507	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (Mode 1.)
9507-P	DOT-E 9507	Linde Gases of The Great Lakes, Inc., Cleveland, OH.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (Mode 1.)
9507-P	DOT-E 9507	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (Mode 1.)
9507-P	DOT-E 9507	MG Industries, Valley Forge, PA.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (Mode 1.)
9507-P	DOT-E 9507	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (Mode 1.)
9549-P	DOT-E 9549	Shaped Charge Specialist, Inc., Mansfield, TX.	49 CFR 173.100(v), 175.30	To become a party to exemption 9549. (Modes 1, 3, and 4.)
9554-X	DOT-E 9554	ENPAC Corp., Jacksonville, FL	49 CFR 173.257, 173.263, 173.268, 173.272, 173.358, 178.19.	To authorize manufacture, mark and sell of non-DOT specification 90-gallon polyethylene/fiberglass reinforced plastic (FRP) dual laminate composite drum, fully conforming with DOT Specification 34 with exceptions. (Modes 1, 2.)
9554-X	DOT-E 9554	ENPAC Corp., Jacksonville, FL	49 CFR 173.257, 173.263, 173.268, 173.272, 173.358, 178.19.	To authorize manufacture, mark and sell of non-DOT specification 90-gallon polyethlene/fiberglass reinforced plastic (FRP) dual laminate commposite drum, fully conforming with DOT Specification 34 with exceptions. (Modes 1, 2.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9610-P	DOT-E 9610	Remington Arms Co., Inc., Lonoke, AR.	49 CFR 172.203(a), (e), 172.204, 173.29(a), (d), Part 107, Appendix B, Parts 171-189.	To become a party to exemption 9610. (Modes 1, 2.)
9617-P	DOT-E 9617	Alamo Explosives Co., Inc., Houston, TX.	49 CFR 177.848(f), Part 107, Appendix B(1).	To become a party to exemption 9617. (Mode 1.)
9618-P	DOT-E 9618	ENPAC Corp., Jacksonville, FL	49 CFR 173.3(c)	To become a party to exemption 9618. (Modes 1, 2.)
9618-X	DOT-E 9618	ENPAC Corp., Jacksonville, FL	49 CFR 173.3(c)	To authorize an additional, smaller packaging identified as a salvage drum. (Modes 1, 2.)
9627-X	DOT-E 9627	TLC Air, Inc., Addison, TX	49 CFR 172.101, 172.204(d)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B and C explosives that are not permitted for shipment by air, or are in quantities greater than those prescribed for shipment by air. (Mode 4.)
9644-X	DOT-E 9644	Atlas Powder Co., Dallas, TX	49 CFR 178.218-11(a)	To authorize manufacture, marking and sale of a DOT Specification 23G cylindrical fiberboard box tested once a year instead of once every six months, for shipment of certain Class A explosives. (Mode 1.)
9658-X	DOT-E 9658	Fluoroware, Inc., Chaska, MN	49 CFR 173.119, 173.268, 173.299(b), 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sale of non-DOT specification rotationally molded, composite crosslinked or non-crosslinked polyethylene and Teflon PTA plastic portable tank, for shipment of corrosive liquids, flammable liquids or oxidizers. (Modes 1, 2.)
9672-X	DOT-E 9672	Ethyl Corp., Baton Rouge, LA	49 CFR 178.337-11(c)	To authorize shipment of flammable liquids, in DOT Specification MC-330 or MC-331 cargo tanks with a filling/discharge opening that does not have a remote self-closing internal valve. (Mode 1.)
9672-X	DOT-E 9672	Texas Alkyls, Inc., Westport, CT	49 CFR 178.337-11(c)	To authorize shipment of flammable liquids, in DOT Specification MC-330 or MC-331 cargo tanks with a filling/discharge opening that does not have a remote self-closing internal valve. (Mode 1.)
9672-P	DOT-E 9672	Akzo Chemical Inc., Chicago, IL	49 CFR 178-337-11(c)	To become a party to exemption 9672. (Mode 1.)
9673-X	DOT-E 9673	Mauser Packaging, Limited, Litchfield, CT.	49 CFR 178.224, Part 173	To authorize manufacture, marking and sale of fiber drums not to exceed 250 liter capacity, comparable to DOT-21C except for the top and bottom heads which are made of 0.48 mm steel instead of 0.53mm (24 gauge) steel, for shipment of those hazardous materials authorized in DOT-21C fiber drums. (Modes 1, 2, and 3.)
9676-X	DOT-E 9676	EM Science Cincinnati, OH	49 CFR 173.119(b)(4), 173.125, 178.205.	To authorize shipment of certain flammable liquids contained in four inside glass bottles or PVC coated glass bottles of one gallon capacity each, overpacked in a corrugated fiberboard box conforming to DOT Specification 12B65 except for handholes in the side panels of the box. (Mode 1.)
9677-X	DOT-E 9677	Allied Universal Corp., Miami, FL	49 CFR 173.263(a)(15)	To authorize shipment of hydrochloric acid in non-DOT specification polyethylene bottles of one-gallon capacity, overpacked no more than 60 to a specifically-designed, heavy-wall cart, molded of high density polyethylene. (Mode 1.)
9679-X	DOT-E 9679	Michlin Diazo Products Corp., Dearborn, MI.	49 CFR 173.245(a)(21)	To authorize shipment of ammonium hydroxide, classed as a corrosive material, in a six gallon capacity, DOT Specification 2U polyethylene container, overpacked in a DOT Specification 12P fiberboard box. (Mode 1.)
9683-X	DOT-E 9683	Meter Engineers, Inc., Wichita, KS	49 CFR 173.119, 173.304, 173.315	To authorize manufacture, marking and sale of non-DOT specification containers described as mechanical displacement meter provers mounted on a truck chassis or trailer. (Mode 1.)
9685-X	DOT-E 9685	Certified Tank Manufacturing, Inc., Compton, CA.	49 CFR 173.154, 173.245b	To authorize manufacture, marking and sale of non-DOT specification roll on/roll off cylindrical tank containers for transportation of certain solidified mixtures of water flammable liquids and/or corrosive materials. (Mode 1.)
9686-X	DOT-E 9686	Fluoroware, Inc., Chaska, MN	49 CFR 173.119, 173.268, 173.299, 178.19, 178.35, 178.35a, Part 173, Subpart F.	To authorize shipment of nitric acid (71% concentration or less), classed as an oxidizer in the non-DOT specification composite polyethylene and plastic, portable tank. (Modes 1, 2.)
9689-X	DOT-E 9689	Olin Chemicals Corp., Stamford, CT.	49 CFR 176.76(a)(4)	To authorize drums containing dense or heavy materials such as toluene diisocyanate, and other hazardous materials not exceeding 12.09 pounds per gallon, to be secured against movement in a transport vehicle by the use of a fabric restraint dunnage system when shipped by cargo vessel. (Mode 3.)
9690-X	DOT-E 9690	Snyder Industries, Inc., Lincoln, NE	49 CFR 173.119, 176.340, 178.19, 178.253, Part 173, Subpart F.	To authorize the use of a non-DOT specification rotationally molded cross-linked or non-crosslinked polyethylene portable tank for the shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2.)
9694-P	DOT-E 9694	C-I-L Inc., Forest Products Division, Montreal, Quebec, Canada.	49 CFR 173.315(i)(13), 173.33(f)(9), 173.33(h)(5)(i).	To become a party to exemptoin 9694. (Mode 1.)
9696-X	DOT-E 9696	Fluoroware, Inc., Chaska, MN	49 CFR 173.119, 173.268, 173.299, 178.19, 178.35, 178.35a, Part 173, Subpart F.	To authorize shipment of nitric acid (71% concentration or less), classed as an oxidizer, in the non-DOT specification composite polyethylene and plastic, portable tanks. (Modes 1, 2.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9697-X	DOT-E 9697	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.31(c) Retest Table 1	To authorize shipment of waste antimony pertachloride, corrosive material, in out of test DOT-105A300W and DOT-105A500W tank cars to an additional location. (Mode 2.)
9700-X	DOT-E 9700	Dow Chemical Co., Midland, MI	49 CFR 173.315(i), 178.245	To authorize use of a DOT Specification 51 portable tank having pressure relief devices with a start-to-discharge pressure of 75 psig, for shipment of flammable, poisonous liquid. (Mode 3.)
9705-X	DOT-E 9705	E. I. du Pond de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.139	To authorize use of a DOT Specification 51 portable tank not previously authorized for polypropyleneimine, inhibited. (Mode 1.)
9710-X	DOT-E 9710	Union Carbide Corp., Linde Division Danbury, CT.	49 CFR 173.318, 177.840	To authorize abbreviated marking of the one-way travel time on the tank and on shipping papers. (Modes 1, 2, and 3.)
9711-X	DOT-E 9711	Konica Business Machines, U.S.A., Inc., Windsor, CT.	49 CFR 173.245(a)(12), 175.3	To authorize rail and air shipments of a corrosive material in a polyethylene bag, packed inside a corrugated fiberboard carton then a maximum of two cartons overpacked in a DOT Specification 12B box. (Modes 1, 2, and 4.)
9711-X	DOT-E 9711	Konica U.S.A., Inc., Englewood Cliffs, NJ.	49 CFR 173.245(a)(12), 175.3	To authorize rail and air shipments of a corrosive material in a polyethylene bag, packed inside a corrugated fiberboard carton then a maximum of two cartons overpacked in a DOT Specification 12B box. (Modes 1, 2, and 4.)
9716-X	DOT-E 9716	Comdyne I, Inc., West Liberty, OH	49 CFR 173.302(a)(1), 173.304(a), (d), 175.3.	To authorize the use of a FRP-1 type, non-DOT specification cylinder. (Modes 1, 2, 3, 4, and 5.)
9723-P	DOT-E 9723	Triumvirate, Inc., Qunicy, MA	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723-X	DOT-E 9723	GSX Services, Inc., Columbia, SC	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9730-X	DOT-E 9730	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 172.101, 173.318, 176.30, 176.76(h).	To authorize use of super-insulated DOT Specification MC-338 cargo tank for transportation of flammable gas. (Mode 3.)
9735-X	DOT-E 9735	Hapag-Lloyd, AG, Hamburg, West Germany.	49 CFR 176.30(a), 46 CFR 146.29-14(a).	To authorize the Dangerous Cargo Manifest on cargo vessels owned and operated by Hapag-Lloyd AG to be retained in a location other than on or near the bridge of the vessel while the vessel is in port. (Mode 3.)
9744-X	DOT-E 9744	Akzo Chemicals, Inc., Chicago, IL	49 CFR 173.157(a)(5)	To increase the new weight authorized per package from 31.5 pounds to 32 pounds. (Mode 3.)
9746-P	DOT-E 9746	Airco/BOC, Murray Hill, NJ	49 CFR 173.264	To become a party to exemption 9746. (Modes 1, 3.)
9748-X	DOT-E 9748	Greif Bros. Corp., Springfield, NJ	49 CFR 178.224, Part 173	To authorize water as an additional mode of transportation. (Modes 1, 2, and 3.)
9785-P	DOT-E 9785	Maersk, Inc., Madison, NJ	49 CFR 173.30, 176.11, 176.83	To become a party to exemption 9785. (Modes 1, 2, and 3.)
9785-P	DOT-E 9785	Thos & Jas Harrison LTD, Liverpool, England.	49 CFR 173.30, 176.11, 176.83	To become a party to exemption 9785. (Modes 1, 2, and 3.)
9785-X	DOT-E 9785	Compagnie Generale Maritime, Paris, France.	49 CFR 173.30, 176.11, 176.83	To authorize stowage and segregation of hazardous materials transported in freight containers to be in accordance with the proposed Amendment 24-86 to the International Maritime Dangerous Goods Code. (Modes 1, 2, and 3.)
9785-X	DOT-E 9785	Polish Ocean Lines, 81-310 Gdynia, Poland.	49 CFR 173.30, 176.11, 176.83	To authorize stowage and segregation of hazardous materials transported in freight containers to be in accordance with the proposed Amendment 24-86 to the Internatoinal Maritime Dangerous Goods Code. (Modes 1, 2, and 3.)
9785-P	DOT-E 9785	Lykes Bros. Steamship Co., Inc., New Orleans, LA.	49 CFR 173.30, 176.11, 176.83	To become a party to exemption 9785 (Modes 1, 2, and 3.)
9785-P	DOT-E 9785	Puerto Rico Marine Management, Inc., San Juan, PR.	49 CFR 173.30, 176.11, 176.83	To become a party to exemption 9785 (Modes 1, 2, and 3.)
9785-X	DOT-E 9785	Independent Container Line Ltd., Richmond, VA.	49 CFR 173.30, 176.11, 176.83	To authorize stowage and segregation of hazardous materials transported in freight containers to be in accordance with the proposed Amendment 24-86 to the International Maritime Dangerous Goods Code. (Modes 1, 2, and 3.)
9785-X	DOT-E 9785	Hapag-Lloyd (America), Inc., Staten Island, NY.	49 CFR 173.30, 176.11, 176.83	To authorize stowage and segregation of hazardous materials transported in freight containers to be in accordance with the proposed Amendment 24-86 to the International Maritime Dangerous Goods Code. (Modes 1, 2, and 3.)
9785-X	DOT-E 9785	Atlantic Container Line, Elizabeth, NJ.	49 CFR 173.30, 176.11, 176.83	To authorize stowage and segregation of hazardous materials transported in freight containers to be in accordance with the proposed Amendment 24-86 to the International Maritime Dangerous Goods Code. (Modes 1, 2, and 3.)
9785-X	DOT-E 9785	Sea-Land Service, Inc., Elizabeth, NJ.	49 CFR 173.30, 176.11, 176.83	To authorize stowage and segregation of hazardous materials transported in freight containers to be in accordance with the proposed Amendment 24-86 to the International Maritime Dangerous Goods Code. (Modes 1, 2, and 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9785-P	DOT-E 9785	NYK Line, chiyoda-ku, Tokyo 100, Japan.	49 CFR 173.30, 176.11, 176.83	To become a party to exemption 9785. (Modes 1, 2, and 3.)
9788-X	DOT-E 9788	Certified Cylinder, Inc., Crossville, TN.	49 CFR 173.34	To authorize replacement of bottoms, rebuilding, retesting and certification of 4B, 4BA, and 4BW240 and 4E cylinders. (Mode 1.)
9828-X	DOT-E 9828	Mobay Corp., Kansas City, MO	49 CFR 173.365(a)(7)	To authorize shipment of azinphos methyl mixtures, solid, classed as Poison B contained in DOT specification 12B fiberboard boxes without being contained in PVA packets. (Modes 1, 2.)
9833-X	DOT-E 9833	Wacker Chemical (USA), Inc., Canaan, CT.	49 CFR 173.384	To authorize shipment of monochloroacetone, stabilized classed as an irritating material, in a DOT Specification 51 portable tank. (Modes 1, 3.)
9833-X	DOT-E 9833	Wacker-Chemie GmbH, Munich 22, West Germany.	49 CFR 173.384	To authorize shipment of monochloroacetone, stablized classed as an irritating material, in a DOT Specification 51 portable tank. (Modes 1, 3.)
9902-P	DOT-E 9902	Purusar Corp., Sunnyvale, CA	49 CFR 173.273	To become a party to exemption 9902. (Mode 1.)
9916-P	DOT-E 9916	Petrolite Corp., St. Louis, MO	49 CFR 173.124(a)(6)(i), (iii), (vii)	To become a party to exemption 9916. (Modes 1, 2, and 3.)
9916-P	DOT-E 9916	Petrolite Corp., St. Louis, MO	49 CFR 173.124(a)(6)(i), (iii), (vii)	To become a party to exemption 9916. (Modes 1, 2, and 3.)
9923-X	DOT-E 9923	Chemical Handling Equipment Co., Inc., Toledo, OH.	49 CFR 173.118a, 173.119, 173.125, 173.266, 176.340, 178.19, 178.253, Part 173, Subpart F.	To authorize combustible liquids as additional materials and cargo vessel as an additional mode of transportation. (Modes 1, 2, and 3.)
9924-X	DOT-E 9924	U.S. Department of Energy, Washington, DC.	49 CFR 173.420(a)(4)	To authorize shipment of depleted uranium hexafluoride, low specific activity, classed as radioactive materials, in a DOT authorized packaging, Model 4BG, filled to 62% of its certified volumetric capacity. (Modes 1, 2.)
9934-P	DOT-E 9934	Advance Research Chemicals, Inc., Catoosa, OK.	49 CFR 173.274, 175.3	To become a party to exemption 9934. (Modes 1, 4.)
9941-X	DOT-E 9941	Morton Thiokol, Inc., Huntsville Division, Huntsville, AL.	49 CFR 173.88(e)(2)(ii), 173.92(a)(i), 173.92(b).	To authorize additional packaging for shipment of Rocket motors, Class B explosive. (Mode 1.)
9946-P	DOT-E 9946	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.327(a)	To become a party to exemption 9946. (Modes 1, 2, and 3.)
9946-P	DOT-E 9946	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.327(a)	To become a party to exemption 9946. (Modes 1, 2, and 3.)
9946-P	DOT-E 9946	Linde Gases of The Mid-Atlantic, Moorestown, NJ.	49 CFR 173.327(a)	To become a party to exemption 9946 (Modes 1, 2, and 3.)
9946-P	DOT-E 9946	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.327(a)	To become a party to exemption 9946. (Modes 1, 2, and 3.)
9946-P	DOT-E 9946	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.327(a)	To become a party to exemption 9946. (Modes 1, 2, and 3.)
9946-P	DOT-E 9946	Linde Gases of the Midwest, Inc., Hillside, IL.	49 CFR 173.327(a)	To become a party to exemption 9946. (Modes 1, 2, and 3.)
9946-P	DOT-E 9946	Linde Gases of the West, Oakland, CA.	49 CFR 173.327(a)	To become a party to exemption 9946. (Modes 1, 2, and 3.)
9946-P	DOT-E 9946	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.327(a)	To become a party to exemption 9946. (Modes 1, 2, and 3.)
9946-P	DOT-E 9946	Linde Gases of the Great Lakes, Inc., Cleveland, OH.	49 CFR 173.327(a)	To become a party to exemption 9946. (Modes 1, 2, and 3.)
9946-P	DOT-E 9946	Unigas, Inc., Ponce, PR	49 CFR 173.327(a)	To become a party to exemption 9946. (Modes 1, 2, and 3.)
9946-P	DOT-E 9946	Linde Puerto Rico Inc., GURABO, PR.	49 CFR 173.327(a)	To become a party to exemption 9946. (Modes 1, 2, and 3.)
9953-P	DOT-E 9953	Monroe Trucking, Inc., West Monroe, LA.	49 CFR 177.834(i)(2)(i)	To become a party to exemption 9953. (Mode 1.)
9953-P	DOT-E 9953	Fore Way Express, Inc., Wausau, WI.	49 CFR 177.834(i)(2)(i)	To become a party to exemption 9953. (Mode 1.)
9953-P	DOT-E 9953	Monkem Company, Inc., Joplin, MO.	49 CFR 177.834(i)(2)(i)	To become a party to exemption 9953. (Mode 1.)
9953-P	DOT-E 9953	National Starch and Chemical Corp., Bridgewater, NJ.	49 CFR 177.834(i)(2)(i)	To become a party to exemption 9953. (Mode 1.)
9956-P	DOT-E 9956	DX Systems, Inc., Houston, TX	49 CFR 173.277(a)(9), 178.340, 178.343.	To become a party to exemption 9956. (Mode 1.)
10032-P	DOT-E 10032	Eurotainer, Paris, France	49 CFR 173.315, 178.245	To become a party to exemption 10032. (Modes 1, 2, and 3.)
10067-X	DOT-E 10067	Hamilton Standard, Div. of United Technologies, Windsor Locks, CT.	49 CFR 173.276	To renew party status originally issued on emergency basis to authorize shipment of hydrazine, anhydrous, classed as a flammable liquid in specially designed modular propulsion system. (Modes 1, 4.)
10067-X	DOT-E 10067	U.S. Department of Energy, Washington, DC.	49 CFR 173.276	To renew exemption originally issued on an emergency basis to authorize shipment of hydrazine, anhydrous, class as a flammable liquid in specially designed modular propulsion system. (Modes 1, 4.)
10081-X	DOT-E 10081	Morton Thiokol, Inc., Aerospace Group, Brigham City, UT.	49 CFR 173.92	To authorize transport of rocket motors via highway. (Mode 1.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9788-N	DOT-E 9788	Certified Cylinder, Inc., Crossville, TN.	49 CFR 173.34	To authorize replacement of bottoms, rebuilding, retesting and certification of 4B, 4BA and 4BW240 propane cylinders. (Mode 1.)
9873-N	DOT-E 9873	Hercules, Inc., Wilmington, DE	49 CFR 173.184, 175.3	To authorize shipment of nitrocellulose with not less than 25% water by weight classed as a flammable solid in a non-DOT combination package consisting of a plastic sack sealed by a tightening band around the neck in a non-DOT specification fiberboard box sealed by glue and taping. (Modes 1, 2, 3, and 4.)
9970-N	DOT-E 9970	Hercules Inc., Wilmington, DE	49 CFR 172.101, 172.300, 175.65(e).	To authorize shipment RDX wet with ethyl acetate in polyethylene bags overpacked in fiber drums. (Mode 1.)
9972-N	DOT-E 9972	The lubrizol Corp., Wickliffe, OH	49 CFR 173.225	To authorize shipment of Phosphorus pentasulfide in non-DOT specification railroad tank car tanks. (Mode 2.)
9974-N	DOT-E 9974	S.S.I. Group, Limited, Fairdale, KY	49 CFR 172.504, 173.178	To authorize shipment of packages of a flammable solid in a privately owned vehicle without a "Flammable Solid W" placard on the vehicle. (Mode 1.)
9990-N	DOT-E 9990	Honeywell Inc., Brooklyn Park, NY	49 CFR 173.113	To authorize transport of Detonating Fuzes, Class C explosives, in a packaging not authorized in 49 CFR. (Mode 1.)
9995-N	DOT-E 9995	Copps Industries, Inc., Menomonee Falls, WI.	49 CFR 173.249, 175.3	To authorize transport of alkaline corrosive liquids in one quart capacity metal can, packed in non-DOT specification removable head polyethylene pail. (Modes 1, 2, 3, and 4.)
10001-N	DOT-E 10001	Union Carbide Corp., Danbury, CT	49 CFR 173.316, 173.320	To authorize transport of argon containing up to 10% oxygen as a refrigerated liquid, in DOT Specification 4L cylinders. (Mode 1.)
10022-N	DOT-E 10022	Union Carbide Corp., Linde Division Danbury, CT.	49 CFR 173.119, 173.245, 173.246, 173.247, 173.251, 173.264, 173.273, 173.302, 173.304, 173.328, 173.34, 173.346.	To authorize use of a non-DOT Specification full removable head, steel salvage cylinder of approximately 55 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
10027-N	DOT-E 10027	Japan Oxygen, Inc., Long Beach, CA.	49 CFR 173.318	To authorize shipment of Helium, refrigerated liquid, classed as Nonflammable gas, in a non-DOT Specification container, similar to a DOT Specification MC-338 cargo tank. (Modes 1, 3.)
10028-N	DOT-E 10028	E.I. Du Pont De Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.255(a)(4)	To authorize shipment of Dimethyl sulfate in DOT Specification 112A400W tank car tanks. (Mode 2.)
10031-N	DOT-E 10031	Universal Cryogenics Corp., Alburtis, PA.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 178.338.	To authorize manufacture, marking and sale of non-DOT specification, insulated portable tanks for transportation of liquefied helium. (Modes 1, 3.)
10032-N	DOT-E 10032	Arbel-Fauvet-Rail, Douai, Cedex, France.	49 CFR 173.315, 178.245	To authorize shipment in liquefied flammable and nonflammable gases in non-DOT specification IMO Type 5 steel portable tanks. (Modes 1, 2, and 3.)
10038-N	DOT-E 10038	General American Transportation Corp., Chicago, IL.	49 CFR 173.31(a)(5), 173.31(a)(6), 173.31(a)(7), Part 179.	To authorize the transport of DOT specification tank cars containing a residue of a hazardous material without a coupler vertical restraint system, while enroute to a scrap yard for dismantling. (Mode 2.)
10040-N	DOT-E 10040	Atlas Powder Co., Dallas, TX	49 CFR 173.133	To authorize shipment of a material classed as a flammable liquid, containing 10.2 percent nitroglycerin in a DOT specification 21P fiber drum with a 25 or 25L liner not exceeding 30 gallons capacity. (Modes 1, 3.)
10041-N	DOT-E 10041	Lofland Company of Arkansas, Little Rock, AR.	49 CFR 173.245(a)(31)	To authorize transport of alkaline corrosive liquids in DOT Specification MC-306 cargo tanks constructed of mild steel in lieu of stainless steel. (Mode 1.)
10045-N	DOT-E 10045	Federal Express Corp., Memphis, TN.	49 CFR 173.447(a), 177.842(a), 177.842(b).	To authorize shipment of non-fissile radioactive matelals via motor vehicle when the combined transport index exceeds 50 and/or separation distances cannot be maintained (Mode 1.)
10046-N	DOT-E 10046	Eveready Battery Co., Inc., Cleveland, OH.	49 CFR Parts 100-177	To authorize shipment of specified type of lithium cell excepted from the requirements of the Department's Hazardous Materials Regulations. (Modes 1, 2, 3, 4, and 5.)
10069-N	DOT-E 10069	Martin Electronics, Inc., Perry, FL	49 CFR 172.101, 173.88, 173.91	To authorize shipment of special fireworks, classed as a Class B explosives, as a Class C explosive when shipped separately from the initiating device. (Mode 1.)
10084-N	DOT-E 10084	Composite Engineering Co., Corona, CA.	49 CFR Part 173 Subparts D, F and H as applicable.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks manufactured from fiberglass reinforced plastic similar to the DOT Specifications MC312 and 307 cargo tanks for transportation of those materials authorized for transport in DOT Spec MC312 and 307 cargo tanks. (Mode 1.)
10097-N	DOT-E 10097	Hercules Inc., Magna, UT	49 CFR 173.88(e)(2)(ii), 173.92(a)(1), 173.92(b).	To authorize transport of rocket motors in a propulsive state and with igniters installed in packagings not authorizee in 49 CFR 173.92. (Mode 1.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9235-N	DOT-E 10099	Pacific Rim Packaging Corp., Richmond, CA.	49 CFR 178.116-6	To authorize manufacture, marking and sale of non-DOT specification steel drums of 24-gauge thickness and six-gallon capacity, to be used in place of 24 gauge, five-gallon capacity, DOT Specification 17E steel drums, for transportation of various hazardous materials. (Modes 1, 2, and 3.)
10104-N	DOT-E 10104	Bowater Bulk Packaging Limited, West Yorkshire, England.	49 CFR 173.182	To authorize manufacture, marking and sale of flexible, intermediate bulk containers constructed of woven polypropylene and lined with polyethylene, having a capacity of approximately 2200 pounds each, for shipment of an oxidizer. (Modes 1 2, and 3.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 3095-X	DOT-E 3095	Dowell Schlumberger, Inc., Tulsa, OK.	49 CFR 173.119(a), 173.245(a), 173.248(a), 173.263(a), 173.264, 173.283, 173.289, 178.342-5, 178.343-5.	To authorize use of a non-DOT specification cargo tank, for shipment of certain hazardous materials (Modes 1, 3.)
EE 3109-X	DOT-E 3109	General Dynamics Corp., East Camden, AR.	49 CFR 173.301(e), 173.302(a)(1), 175.3.	To authorize use of non-DOT specification pressure vessels, for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1, 2, 3, 4, and 5.)
EE 5206-X	DOT-E 5206	Nelson Brothers, Inc., Parish, AL	49 CFR 173.114a	To authorize privately operated bulk hopper-type units, for transportation of blasting agents. (Mode 1.)
EE 5948-X	DOT-E 5948	U.S. Department of Energy, Washington, DC.	49 CFR 173.247(b), 173.416, 173.467.	To authorize shipment of radioactive waste materials in ATMX 500 or 600 rail cars. (Mode 2.)
EE 6614-X	DOT-E 6614	Hasa Chemicals, Inc., Saugus, CA	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
EE 6614-X	DOT-E 6614	Clearwater Chemical Corp., Clearwater, FL.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a highly density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
EE 6614-X	DOT-E 6614	Steelcrete Co., Novi, MI	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
EE 6752-X	DOT-E 6752	3M Transportation Co., St. Paul, MN.	49 CFR 173.301(d)(3), 173.304(a)(2).	To authorize use of DOT Specification 3A, 3AA, 3AX, 3AAX or 3T cylinders to form part of a tube trailer or tube bank, for transportation of a liquefied flammable compressed gas. (Modes 1, 2, and 3.)
EE 7052-X	DOT-E 7052	Pointer, Inc., Tempe, AZ	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, and 4.)
EE 7052-X	DOT-E 7052	Pointer, Inc., Tempe, AZ	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, and 4.)
EE 7769-X	DOT-E 7769	Brunswick Corporation/Defense Division, Lincoln, NE.	49 CFR 173.302(a)(1), 175.3	To authorize manufacture, marking and sale of non-DOT Specification fiber reinforced plastic full composite cylinder, for transportation of certain nonflammable compressed gas. (Modes 1, 2, 3, 4, and 5.)
EE 7891-X	DOT-E 7891	Spectrum Chemical Manufacturing Corp., Gardena, CA.	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504 Table 1, 172.504(a), 173.126, 173.138, 173.237, 173.246, 173.25(a), 175.3.	To authorize transport of packages bearing the DANGEROUS WHEN WET label, in motor vehicles which are not placarded FLAMMABLE SOLID W. (Modes 1, 2, and 4.)
EE 7891-X	DOT-E 7891	Spectrum Chemical Manufacturing Corp., Gardena, CA.	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504 Table 1, 172.504(a), 173.126, 173.138, 173.237, 173.246, 173.25(a), 175.3.	To authorize transport of packages bearing the DANGEROUS WHEN WET label, in motor vehicles which are not placarded FLAMMABLE SOLID W. (Modes 1, 2, and 4.)
EE 7943-X	DOT-E 7943	Chem Lab Products, Inc., Ontario, CA.	49 CFR 173.263(a)(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).	To authorize shipment of corrosive liquids in one or two one-gallon polyethylene containers packed in fiberboard boxes, complying with DOT Specification 12B except for handholes in top flaps. (Mode 1.)
EE 8445-X	DOT-E 8445	University of Minnesota, Minneapolis, MN.	49 CFR Part 173, Subparts D, E, F, H.	To authorize shipment of various hazardous substances and wastes packed in inside plastic, glass, earthenware or metal containers, overpacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purposes of disposal, repackaging or reprocessing. (Mode 1.)
EE 8723-X	DOT-E 8723	Winchester Building, Supply Co., Inc., Winchester, VA.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize transport of lithium batteries containing parallel branches of series connected cells without diodes. (Modes 1, 3.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 8885-X	DOT-E 8885	Copps Industries, Inc., Menomonee Falls, WI.	49 CFR 173.245, 173.249, 175.3	To authorize shipment of certain alkaline corrosive liquids, n.o.s., in an unlined tin can, overpacked in a non-DOT specification removable head molded polyethylene pail of five or six-gallon capacity, also containing a non-hazardous resin mix. (Modes 1, 2, 3, and 4.)
EE 9271-X	DOT-E 9271	CSX Transportation, Inc., Jacksonville, FL.	49 CFR 174.90	To authorize deviation from car separation requirements, for transportation of Class A and B explosives. (Mode 2.)
EE 9331-X	DOT-E 9331	Rio Linda Chemical Co., Sacramento, CA.	49 CFR 173.263(a)(10)	To authorize shipment of sodium chlorite solutions in water, in DOT Specification MC-306 and MC-307 cargo tanks. (Mode 1.)
EE 9929-X	DOT-E 9929	Morton Thiokol, Inc., Elkton Division, Elkton, MD.	49 CFR 172.101, 173.92	To authorize transport of rocket motors in packaging that exceeds the weight prescribed in the Department's Hazardous Materials Regulations. (Modes 1, 3, and 4.)
EE 10081-X	DOT-E 10081	Morton Thiokol, Inc., Aerospace Group, Brigham City, UT.	49 CFR 173.92	To authorize transport of rocket motors via highway. (Mode 1.)
EE 10105-N	DOT-E 10105	Occidental Chemical Corp., Pasadena, TX.	49 CFR 173.29(c)(2)	To authorize a one-time shipment of a tank car which contains a residue of chlorine with a defective liquid valve equipped with a chlorine "C" kit. (Mode 2.)
EE 10106-N	DOT-E 10106	Dynamit Nobel Special Chemistry, Troisforf, West Germany.	49 CFR 171.12, 172.101, 172.102, 175.3.	To authorize transport of tetrazole-1-acetic acid in fiber drums. (Modes 1, 4.)
EE 10126-N	DOT-E 10126	Moli Energy Limited, Burnaby, B.C., Canada.	49 CFR 172.101, 172.420	To authorize transport of lithium batteries containing parallel branches of series connected cells without diodes. (Mode 1.)
EE 10127-N	DOT-E 10127	Morton Thiokol, Inc., Huntsville, AL.	49 CFR 173.92	To authorize transport of a rocket motor with igniter installed and in a packaging not authorized by 49 CFR. (Mode 1.)
EE 10127-P	DOT-E 10127	Space Services, Inc., Houston, TX	49 CFR 173.92	To become a party to exemption 10127. (Mode 1.)
EE 10128-N	DOT-E 10128	LCP Chemicals & Plastics, Inc., Edison, NJ.	49 CFR 173.31(B), 179.102-2	To authorize a one-time shipment of chlorine in a DOT Specification 105A500W tank car tank with a defective safety relief valve equipped with a chlorine "C" kit applied on the safety relief valve. (Mode 2.)
EE 10137-N	DOT-E 10137	Beverage Service & Equipment, Inc., Orlando, FL.	49 CFR 176.76(b)	To authorize shipment of carbon dioxide, refrigerated liquid, classed as a nonflammable gas, in MC-330 cargo tanks aboard a cargo vessel not presently prescribed in the regulations. (Mode 3.)
EE 10144-N	DOT-E 10144	Atlas Powder Co., Dallas, TX	49 CFR 173.62, 173.86	To authorize one-time transport of an unapproved nitroglycerin solution in packagings not authorized in 49 CFR. (Mode 1.)

WITHDRAWAL EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
4575-X	EM Science, Cincinnati, OH	49 CFR 173.314(c), 173.315(a)	To authorize use of DOT specification 106A500X and 110A500W multiunit tank car tanks; DOT specification 105A300W, 112A340W, 114A340W tank car tanks and the proposed AAR 120A300W, 112A340W tank cars, for transportation of certain liquefied compressed gases. (Modes 1, 2, and 3.)
7768-P	Hewlett-Packard Co., Loveland, CO	49 CFR 173.154, 173.217, 173.245b, 173.365, 178.19.	To become a party to exemption 7768 (Modes 1, 2, and 3.)
7803-P	Hewlett-Packard Co., Loveland, CO	49 CFR 178.19, Part 173, Subparts D, F	To become a party to exemption 7803 (Modes 1, 2, and 3.)
8363-X	X-Plo, Inc., Plattsburgh, NY	49 CFR 173.93(a)	To authorize shipment of certain solid propellant explosives in metal cannisters overpacked in DOT specification 12H 65 fiberboard boxes. (Modes 1, 3.)
8723-X	Atlas Powder Co., Dallas, TX	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1, 3.)
8944-P	Linde Gases of the West, Oakland, CA	49 CFR 173.302(c)(2), 173.302(c)(3), 173.302(c)(4), 173.34(e), Part 107, Appendix B.	To become a party to exemption 8944 (Modes 1, 3.)
8944-P	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.302(c)(2), 173.302(c)(3), 173.302(c)(4), 173.34(e), Part 107, Appendix B.	To become a party to exemption 8944 (Modes 1, 3.)
8944-P	Linde Gases of Florida, Inc., Tampa, FL	49 CFR 173.302(c)(2), 173.302(c)(3), 173.302(c)(4), 173.34(e), Part 107, Appendix B.	To become a party to exemption 8944 (Modes 1, 3.)
9052-P	Hewlett-Packard Co., Loveland, CO	49 CFR 173.118a, 173.119, 173.125, 176.340, 178.19, 178.253, Part 173, Subpart F.	To become a party to exemption 9052 (Modes 1, 2, and 3.)
9690-P	Tri-River Chemical Co., Inc., Pasco, WA	49 CFR 173.119, 176.340, 178.19, 178.253, Part 173, Subpart F.	To become a party to exemption 9690 (Modes 1, 2.)
9785-P	Lexzau, Scharbau & Co., Hamburg, West Germany.	49 CFR 173.30, 176.11, 176.83	To become a party to exemption 9785 (Modes 1, 2, and 3.)
9785-P	3M Co., St. Paul, MN	49 CFR 173.30, 176.11, 176.83	To become a party to exemption 9785 (Modes 1, 2, and 3.)

WITHDRAWAL EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9963-X	Railcar Maintenance Co., San Francisco, CA.	49 CFR 173.314	To authorize shipments of liquefied petroleum gas in DOT specification 105S300W tank cars which are equipped with thermal protection systems that have not yet been tested. (Mode 2.)

Denials

1479-X—Request by Allied-Signal Inc., Morristown, NJ to authorize use of vacuum insulated, liquid nitrogen cooled, non-DOT specification cargo tank motor vehicle, for transportation of nonflammable compressed gases denied February 3, 1989.

7476-X—Request by Thompson Tank & Manufacturing Company, Inc., Long Beach, CA to authorize manufacture, marking and sale of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 with certain exceptions, for transportation of flammable, corrosive and poisonous waste materials denied February 28, 1989.

9212-P—Request by Island Gases Limited, Christiansted St. Croix U.S., VI to authorize manufacture, marking and sale of non-DOT specification vacuum insulated portable tanks, for shipment of carbon dioxide, refrigerated liquid denied February 28, 1989.

9980-N—Request by Aero Enterprises International, Corpus Christi, TX to authorize shipment of Battery, wet, filled with acid, in a non-DOT Specification packaging identified as Start Cart, which is used for starting helicopters or for supplying power to helicopters denied February 28, 1989.

10095-N—Request by Moli Energy Limited, Burnaby, B.C., Canada to authorize transport of rechargeable lithium batteries on passenger-carrying aircraft denied January 23, 1989.

Issued in Washington, DC, on June 14, 1989.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 89-17618 Filed 7-28-89; 8:45 am]

BILLING CODE 4910-60-M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 145
Monday, July 31, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL COMMUNICATIONS COMMISSION

July 26, 1989.

The Federal Communications Commission will hold an Open Meeting on the subjects listed on Wednesday, August 2, 1989, which is scheduled to commence at 2:00 p.m., in room 856, at 1919 M Street, NW.

Agenda, Item No, and Subjects

General—1—*Title:* Amendment of Parts 2 and 15 of the Rules with regard to the operation of spread spectrum systems. *Summary:* The Commission will consider a Notice of Proposed Rule Making concerning the operations of Part 15 spread spectrum systems in the 902–928 MHz, 2400–2483.5 MHz and 5725–5850 MHz bands.

General—2—*Title:* Further Studies on the Availability of Spectrum Advanced Television. *Summary:* The Commission will consider an interim report describing further studies conducted by the Office of Engineering and Technology on the availability of spectrum for advanced television.

Private Radio—1—*Title:* Frequency Coordination in the Private Radio Land Mobile Radio Services. *Summary:* The Commission will consider a Notice of Proposed Rule Making dealing with frequency coordination in the private land mobile radio services.

Mass Media—1—*Title:* Advanced Television Systems and Their Impact on the Existing Television Broadcast Service; Review of Technical and Operational Requirements of Part 73–E; Reevaluation of the UHF Television Channel and Distance Separation Requirements of Part 73 of the Commission's Rules. *Subject:* The Commission will consider a Policy Statement and Second Further Notice of Inquiry concerning the policy, economic, legal and technical issues related to the introduction of advanced television technologies.

Mass Media—2—*Title:* Amendment of § 73.3555 of the Commission's Broadcast Multiple Ownership Rules. *Summary:* The Commission will consider petitions for reconsideration of the Second Report and Order in MM Docket No. 87–7.

Mass Media—3—*Title:* Applications in the Direct Broadcast Satellite (DBS) service for construction permits for new systems and for modification of construction permits for authorized systems, filed by the fifth round of DBS applicants, and petitions to deny certain of those applications. *Summary:* In connection with considering these applications, the Commission will consider its DBS orbital allocations policy and the merits of the petitions to deny.

Mass Media—4—*Title:* Notice of Proposed Rulemaking concerning Potential Uses of certain Orbital Allocations by Operators in the Direct Broadcast Satellite (DBS) service. *Summary:* The Commission will consider adopting the subject Notice of Proposed Rulemaking.

This Meeting may be continued the following work day to allow the Commission be complete appropriate action.

Additional information concerning this meeting may be obtained from Sarah Lawrence, Office of Public Affairs, telephone number (202) 632–5050.

Issued: July 26, 1989.

Federal Communications Commission.
William F. Caton,
Acting Secretary.

[FR Doc. 89–17691 Filed 7–27–89; 10:52 am]
BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:06 a.m. on Tuesday, July 25, 1989, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider: (1) Matters relating to the possible failure of certain insured banks; (2) matters concerning the Corporation's corporate activities; and (3) matters relating to an assistance agreement pursuant to section 13(c) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Dated: July 26, 1989.

Federal Deposit Insurance Corporation.
Robert E. Feldman,
Deputy Executive Secretary.

[FR Doc. 89–17888 Filed 7–27–89; 9:56 am]
BILLING CODE 6714-01-M

Corrections

Federal Register
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Monday, July 31, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

[C-223-401]

Portland Hydraulic Cement From Costa Rica; Final Results of Countervailing Duty Administrative Review, Determination To Cancel Suspension Agreement, and Resumption of Investigation

Correction

In the issue of Thursday, July 20, 1989, on page 30503-30505,in the first column, in the correction to notice document 89-16133, the headings are corrected to read as set forth above.

On the same page, in the same column, in the first paragraph of the correction, in the second line, "29077" should read "29078".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 602

[Docket No. 81011-9132]

Guidelines for Fishery Management Plans

Correction

In rule document 89-17017 beginning on page 30826 in the issue of Monday, July 24, 1989, make the following corrections:

§ 602.11 [Corrected]

1. On page 30835, in the second column, in § 602.11(c)(9)(ii), in the first line, the date should read "November 21, 1989".

§ 602.13 [Corrected]

2. On page 30837, in the third column, in § 602.13(d)(1)(v), in the last line, "this" should read "the".

3. On the same page, in the same column, in § 602.13(d)(2), in the fifth line, "water" should read "waters".

§ 602.17 [Corrected]

4. On page 30840, in the third column, in § 602.17(b)(2)(v), in the third line, "efficient" was misspelled.

5. On the same page, in the same column, in § 602.17(c), in the sixth line, insert "or" after "State,".

BILLING CODE 1505-01-D

federal register

Monday
July 31, 1989

Part II

The President

Executive Order 12684—Conforming the Central Intelligence Agency and Civil Service Retirement and Disability Systems

Federal Register
Vol. 54, No. 145
Monday, July 31, 1989

Presidential Documents

Title 3—

The President

Executive Order 12684 of July 27, 1989

Conforming the Central Intelligence Agency and Civil Service Retirement and Disability Systems

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note) (the "Act"), and in order to conform the Central Intelligence Agency Retirement and Disability System to certain amendments to the Civil Service Retirement and Disability System, it is hereby ordered as follows:

Section 1. The Director of Central Intelligence shall maintain the Central Intelligence Agency Retirement and Disability System in accordance with the following principles:

(a) In computing an annuity for an employee whose service includes service on a part-time basis performed on or after April 7, 1986, such service, other than service subject to the Federal Employees Retirement System, shall be computed as follows:

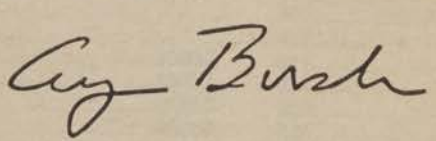
(1) the average pay of the employee, to the extent that it includes pay for service performed in any position on a part-time basis, shall be determined by using the annual rate of basic pay that would be payable for full-time service in the position; and

(2) the benefit so computed shall then be multiplied by a fraction equal to the ratio that the employee's actual service, as determined by prorating an employee's total service to reflect the service that was performed on a part-time basis, bears to the total service that would be creditable for the employee if all of the service had been performed on a full-time basis.

(b) The provision of section 221(b)(3)(C) of the Act regarding the termination of annuity to surviving spouses due to remarriage prior to age 60 shall hereafter be administered by the Central Intelligence Agency by substituting age 55 in lieu of age 60.

(c) The provisions of section 221(g)(1) of the Act regarding the remarriage of surviving spouses before, on, and after age 60 shall hereafter be administered by the Central Intelligence Agency by substituting age 55 in lieu of age 60.

Sec. 2. Section 1(a) of this order shall be given retroactive effect to April 7, 1986. Section 1(b) and (c) of this order shall be effective on the date of signature.



THE WHITE HOUSE,
July 27, 1989.

[FR Doc. 89-18003
Filed 7-28-89; 10:53 am]
Billing code 3195-01-M

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LIST OF PUBLIC LAWS

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 1722 / Public Law 101-60

Natural Gas Wellhead Decontrol Act of 1989 (July 26, 1989; 103 Stat. 157; 3 pages) Price: $1.00

S.J. Res. 85 / Public Law 101-61

To designate the week of July 24 to July 30, 1989, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War" (July 26, 1989; 103 Stat. 160; 2 pages) Price: $1.00

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

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[5] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

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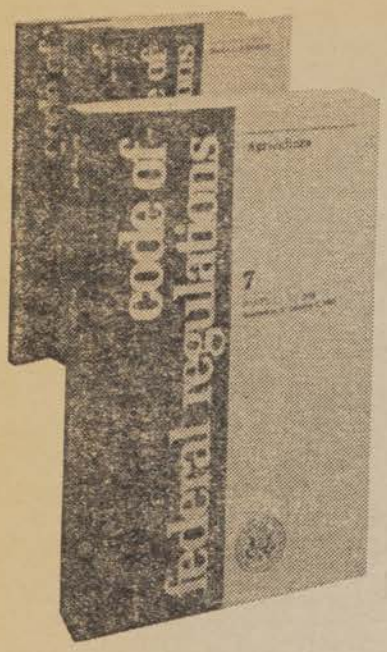

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